



Security Council

Distr.: General
15 October 2002

Original: English

Letter dated 4 October 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 1 August 2002 (S/2002/866) transmitting a report from Zimbabwe submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of Zimbabwe to the United Nations to set out its preliminary comments. Zimbabwe has been requested to provide a response in the form of a supplementary report by 27 December 2002.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(Signed) **Jeremy Greenstock**
Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism





Security Council

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17 October 2002

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Letter dated 17 October 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

I have the honour to forward herewith the statement of the Government of the Republic of Rwanda on the situation in Uvira, Democratic Republic of the Congo (see annex).

I should be grateful if you would have this statement circulated as a document of the Security Council.

(Signed) **Anastase Gasana**
Ambassador
Permanent Representative



Annex to the letter dated 17 October 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Statement on the situation in Uvira, Democratic Republic of the Congo

The Government of the Republic of Rwanda would like to express grave concern over the developments in Uvira, Democratic Republic of the Congo.

There is evidence of heavy movements of troops in the area. About 10 military boats mounted with Katyusha rocket launchers and other armaments on Lake Tanganyika were used to attack Uvira.

The ex-FAR and Interahamwe are the major force operating in and around Uvira. The Mai Mai are a smoke screen to give this new offensive by the Kinshasa Government a semblance of logic.

The continued movement of these genocidal forces towards our border poses a threat to the security of Rwanda and the whole region and is in blatant violation of both the Lusaka and Pretoria agreements.

We would like to remind the international community that Rwanda fulfilled all its obligations and has fully withdrawn from the Congo, according to the terms of the Lusaka and Pretoria agreements.

We challenge the third parties to fulfil their mandate by ensuring that all parties respect their obligations and to condemn in clear terms this violation of the above agreements.

Furthermore, we deeply regret the silence and lack of appropriate response to this situation by the international community.

The Government of the Republic of Rwanda is closely monitoring the situation and expects a response from all who share the concern for security in the Great Lakes region.

The Government of Rwanda reserves the right to defend the country against the ex-FAR and Interahamwe and it intends to choose the most appropriate way to do that, when the right time comes.

Done at Kigali, 16 October 2002

**General Assembly
Security Council**Distr.: General
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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem
and the rest of the Occupied Palestinian Territory**Security Council**
Fifty-seventh year**Identical letters dated 17 October 2002 from the Permanent
Observer of Palestine to the United Nations addressed to the
Secretary-General and the President of the Security Council**

Israel, the occupying Power, continues to use excessive and indiscriminate force, using all means of heavy weaponry in its lethal arsenal, against the Palestinian people, killing more and more innocent and defenceless civilians, including children, with each passing day. As the Israeli occupying forces continue to carry out this current 25-month old bloody military campaign throughout the Occupied Palestinian Territory, including Jerusalem, the war crimes, State terrorism and systematic human rights violations being committed by the occupying Power against the Palestinian people also continue to mount.

Today, in the Gaza Strip, the Israeli occupying forces attacked a residential area in the Rafah refugee camp, firing five tank shells that hit a school of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and a number of houses. This attack by the occupying forces killed at least 8 people, including 2 women and a young girl and boy, and wounded at least 37 other people, several of them critically.

The Israeli occupying forces also killed another Palestinian youth yesterday, 16 October, in the city of Tulkarem. The boy was killed by shots fired from a tank positioned in an eastern neighbourhood of the city. Clearly, the continuing military reoccupation of Palestinian population centres, with the constant presence of Israeli occupying forces and their weaponry in the midst of Palestinian neighbourhoods, represents an ongoing and very serious threat to the safety and well-being, and indeed survival, of Palestinian civilians in these areas.

The international community must act urgently to uphold international law in the face of such continuing serious violations and grave breaches of international law by Israel, the occupying Power. The above-mentioned killing of Palestinian civilians today by the occupying forces in Gaza is yet another tragic example of the brutality and oppression that the Palestinian people under occupation face daily as Israel continues to flout international law, international humanitarian law and United



Nations Security Council resolutions. In this regard, we urge the Security Council to take immediate action to bring an end to the war crimes, State terrorism and systematic human rights violations being committed by the occupying Power and particularly to provide the needed protection to the Palestinian civilians in the Occupied Palestinian Territory, including Jerusalem.

In follow-up to my previous 142 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including Jerusalem, dated from 29 September 2000 to 14 October 2002 (A/55/432-S/2000/921, A/55/437-S/2000/930, A/55/450-S/2000/957, A/55/466-S/2000/971, A/55/474-S/2000/984, A/55/490-S/2000/993, A/ES-10/39-S/2000/1015, A/ES-10/40-S/2000/1025, A/ES-10/42-S/2000/1068, A/ES-10/43-S/2000/1078, A/ES-10/44-S/2000/1093, A/ES-10/45-S/2000/1104, A/ES-10/46-S/2000/1107, A/ES-10/47-S/2000/1116, A/ES-10/48-S/2000/1129, A/ES-10/49-S/2000/1154, A/ES-10/50-S/2000/1173, A/ES-10/51-S/2000/1185, A/ES-10/52-S/2000/1206, A/ES-10/53-S/2000/1247, A/ES-10/54-S/2001/7, A/ES-10/55-S/2001/33, A/ES-10/56-S/2001/50, A/ES-10/57-S/2001/101, A/ES-10/58-S/2001/131, A/ES-10/59-S/2001/156, A/ES-10/60-S/2001/175, A/ES-10/61-S/2001/189, A/ES-10/64-S/2001/209, A/ES-10/65-S/2001/226, A/ES-10/66-S/2001/239, A/ES-10/67-S/2001/255, A/ES-10/68-S/2001/284, A/ES-10/69-S/2001/295, A/ES-10/70-S/2001/304, A/ES-10/71-S/2001/314, A/ES-10/72-S/2001/332, A/ES-10/75-S/2001/352, A/ES-10/76-S/2001/372, A/ES-10/79-S/2001/418, A/ES-10/80-S/2001/432, A/ES-10/81-S/2001/447, A/ES-10/82-S/2001/463, A/ES-10/83-S/2001/471, A/ES-10/84-S/2001/479, A/ES-10/85-S/2001/486, A/ES-10/86-S/2001/496, A/ES-10/87-S/2001/504, A/ES-10/88-S/2001/508, A/ES-10/89-S/2001/544, A/ES-10/90-S/2001/586, A/ES-10/91-S/2001/605, A/ES-10/92-S/2001/629, A/ES-10/93-S/2001/657, A/ES-10/94-S/2001/669, A/ES-10/95-S/2001/686, A/ES-10/96-S/2001/697, A/ES-10/97-S/2001/708, A/ES-10/98-S/2001/717, A/ES-10/99-S/2001/742, A/ES-10/100-S/2001/754, A/ES-10/101-S/2001/783, A/ES-10/102-S/2001/785, A/ES-10/103-S/2001/798, A/ES-10/104-S/2001/812, A/ES-10/105-S/2001/814, A/ES-10/107-S/2001/821, A/ES-10/108-S/2001/826, A/ES-10/111-S/2001/880, A/ES-10/112-S/2001/918, A/ES-10/114-S/2001/928, A/ES-10/115-S/2001/932, A/ES-10/116-S/2001/941, A/ES-10/117-S/2001/971, A/ES-10/118-S/2001/989, A/ES-10/119-S/2001/991, A/ES-10/121-S/2001/1007, A/ES-10/122-S/2001/1024, A/ES-10/123-S/2001/1036, A/ES-10/124-S/2001/1084, A/ES-10/125-S/2001/1092, A/ES-10/126-S/2001/1118, A/ES-10/128-S/2001/1149, A/ES-10/129-S/2001/1166, A/ES-10/133-S/2001/1239, A/ES-10/134-S/2001/1261, A/ES-10/136-S/2002/18, A/ES-10/137-S/2002/39, A/ES-10/138-S/2002/48, A/ES-10/139-S/2002/58, A/ES-10/140-S/2002/89, A/ES-10/141-S/2002/95, A/ES-10/142-S/2002/102, A/ES-10/143-S/2002/121, A/ES-10/144-S/2002/142, A/ES-10/145-S/2002/146, A/ES-10/146-S/2002/165, A/ES-10/147-S/2002/175, A/ES-10/148-S/2002/182, A/ES-10/149-S/2002/186, A/ES-10/150-S/2002/214, A/ES-10/151-S/2002/223, A/ES-10/152-S/2002/232, A/ES-10/154-S/2002/242, A/ES-10/155-S/2002/248, A/ES-10/156-S/2002/245, A/ES-10/157-S/2002/253, A/ES-10/158-S/2002/258, A/ES-10/159-S/2002/281, A/ES-10/160-S/2002/307, A/ES-10/161-S/2002/319, A/ES-10/162-S/2002/330, A/ES-10/163-S/2002/340, A/ES-10/164-S/2002/353, A/ES-10/165-S/2002/361, A/ES-10/166-S/2002/370, A/ES-10/167-S/2002/433, A/ES-10/168-S/2002/474, A/ES-10/169-S/2002/495, A/ES-10/173-S/2002/536, A/ES-10/174-S/2002/555, A/ES-10/175-S/2002/610, A/ES-10/176-S/2002/617, A/ES-10/177-S/2002/641, A/ES-10/178-S/2002/650, A/ES-10/179-S/2002/654, A/ES-10/180-S/2002/686, A/ES-10/181-S/2002/697, A/ES-10/182-S/2002/699, A/ES-10/183-S/2002/717, A/ES-10/184-S/2002/738, A/ES-10/185-S/2002/827, A/ES-10/190-S/2002/891, A/ES-10/192-S/2002/976, A/ES-10/193-S/2002/983, A/ES-10/194-

S/2002/1052, A/ES-10/195-S/2002/1066, A/ES-10/196-S/2002/1083, A/ES-10/197-S/2002/1094, A/ES-10/198-S/2002/1104, A/ES-10/199-S/2002/1114 and A/ES-10/200-S/2002/1144), it is my regret to inform you that, since my last letter to you, at least 9 Palestinians, including children, have been killed by Israeli occupying forces, raising the total number of Palestinian martyrs killed since 28 September 2000 to 1,886. (The names of the martyrs that have been identified thus far are contained in the annex to the present letter.)

I would be grateful if you would arrange to have the present letter and its annex distributed as an official document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

**Annex to the identical letters dated 17 October 2002 from the
Permanent Observer of Palestine to the United Nations addressed
to the Secretary-General and the President of the Security Council**

**Names of martyrs killed by Israeli occupying forces in the
Occupied Palestinian Territory, including Jerusalem*
(Wednesday, 16 October, and Thursday, 17 October 2002)**

Wednesday, 16 October 2002

Mahmoud Sabri Khalil Tamooni (18 years old)

Thursday, 17 October 2002

1. Ahmed Salam Asfour
 2. Shama'a Abu Shimaleh (7 years old)
 3. Mohammed Samil Abu Hilal (12 years old)
 4. Fatma Ahmed Abu Jazar
 5. Samira Mohammed Abu Jazar
 6. Sa'eed Abdel'atti Obeid
 7. Ayman Al-Ghool
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* The total number of Palestinian martyrs killed by Israeli occupying forces since 28 September is 1,886.



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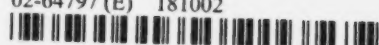
Letter dated 16 October 2002 from the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait addressed to the President of the Security Council

I have the honour to transmit herewith, for the attention of the members of the Council, a report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 6, subparagraph (f), of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991) (see annex).

The report was approved by the Committee on 15 October 2002.

(Signed) Ole Peter Kolby
Chairman

Security Council Committee established by resolution 661 (1990)
concerning the situation between Iraq and Kuwait



Annex

Report of the Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 6, subparagraph (f) of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991)

1. The present report is submitted by the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, in accordance with paragraph 6, subparagraph (f) of the guidelines for facilitating full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991) of 3 April 1991 (S/22660 annex), which were approved by Security Council resolution 700 (1991) of 17 June 1991.
2. Under paragraph 6, subparagraph (f), of the guidelines, the Committee is required to report at 90-day intervals to the Security Council on the implementation of the arms and related sanctions against Iraq contained in the relevant resolutions of the Security Council. The present report is the forty-sixth of its kind under the above-mentioned guidelines.
3. By paragraph 12 of the guidelines, all States are requested to report to the Committee any information that may have come to their attention relating to possible violations by other States or foreign nationals of the arms and related sanctions against Iraq. In view of recent allegations concerning Ukraine's involvement in the transfer to Iraq of weapons, in particular of Kolchuga airspace passive surveillance stations, the Committee during the reporting period received a letter dated 21 September 2002 from the Permanent Representative of Ukraine transmitting a letter of the same date from the Minister for Foreign Affairs of Ukraine addressed to the President of the Security Council, denying such allegations and asking the Council to establish the facts. The issue was discussed briefly at the 239th meeting of the Committee, held on 30 September 2002. In addition to the bilateral talks being held on the matter, the item remains on the Committee's agenda.
4. By paragraphs 13 and 15 of the guidelines, all States and international organizations are required to consult the Committee on the question of whether certain items fall within the provisions of paragraph 24 of resolution 687 (1991), as well as in cases relating to dual-use or multiple-use items that are meant for civilian use but have the potential for diversion or conversion to military use. During the period under review, the Committee has not been consulted by any State or international organization on questions related to dual-use or multi-use items.
5. By paragraph 14 of the guidelines, international organizations are requested to take all appropriate steps to assist in ensuring full compliance with the arms and related sanctions against Iraq, including providing the Committee with any information of this kind that may come to their attention. During the period covered by the present report, no such information has been brought to the attention of the Committee.

6. The Committee will continue its efforts to fulfil the mandate entrusted to it by the Security Council. Since the last report of the Secretary-General, dated 4 December 1991 (S/22884/Add.2), no further communications have been received from Member States pursuant to paragraph 4 of Security Council resolution 700 (1991).

**Security Council**

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**Bulgaria, France, Ireland, Norway, United Kingdom of Great Britain and Northern Ireland and United States of America:
draft resolution**

The Security Council,

Reaffirming its resolutions 864 (1993) of 15 September 1993 and all subsequent relevant resolutions, in particular resolutions 1127 (1997) of 28 August 1997, 1173 (1998) of 12 June 1998, 1237 (1999) of 7 May 1999, 1295 (2000) of 18 April 2000, 1336 (2001) of 23 January 2001, 1348 (2001) of 19 April 2001, 1374 (2001) of 19 October 2001, 1404 (2002) of 18 April 2002, 1412 (2002) of 17 May 2002 and 1432 (2002) of 15 August 2002,

Reaffirming also its commitment to preserve the sovereignty and territorial integrity of Angola,

Welcoming the steps taken by the Government of Angola and União Nacional para a Independência Total de Angola (UNITA) toward the full implementation of the "Acordos de Paz", the Lusaka Protocol (S/1994/1441, annex), the Memorandum of Understanding of 4 April 2002 (S/2002/483), and the relevant United Nations Security Council resolutions,

Welcoming also the reconvening of the Joint Commission, the establishment of the United Nations Mission in Angola, and the appointment of a Special Representative of the Secretary-General for Angola,

Expressing once again its concern regarding the humanitarian effects of the present situation on the civilian population of Angola,

Recognizing the importance attached, inter alia, to the monitoring, for as long as it is necessary, of the implementation of the provisions contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998),

Noting the existence of continued challenges to the stability of Angola and determining that ensuring the stability of Angola is necessary for the maintenance of peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Expresses* its intention to give full consideration to the additional report of the monitoring mechanism established pursuant to resolution 1295 (2000) submitted pursuant to paragraph 7 of resolution 1404 (2002);



2. *Decides* to extend the mandate of the monitoring mechanism for a further period of two months, ending on 19 December 2002, subject to review by the Council;

3. *Requests* the monitoring mechanism to provide the Committee established pursuant to resolution 864 (1993) (hereinafter referred to as "the Committee") within 10 days of the date of adoption of this resolution with an action plan for its future work to include:

- plans for ample consultations in Angola between members of the monitoring mechanism and representatives of both the Government of Angola and UNITA with a view to assessing the situation and to contributing towards a full review by the Council of the measures imposed against UNITA once the peace process has been completed;
- an assessment of possible violations of existing measures imposed against UNITA that may have occurred since the signing of the Memorandum of Understanding of 4 April 2002;
- details on renewed efforts to locate UNITA funds and financial resources currently frozen pursuant to existing measures;
- development of possible recommendations with regard to the issue of funds and financial resources which have been located by Member States and subsequently frozen pursuant to existing measures;
- details on ongoing monitoring and investigation of possible violations of the arms embargo established pursuant to resolution 864 (1993) and prohibitions against the import from Angola of diamonds not controlled by the Government of Angola's certificate of origin scheme as called for under resolution 1173 (1998);

4. *Requests further* the monitoring mechanism to provide a further additional report to the Committee by 13 December 2002, focusing in particular on possible violations of measures imposed against UNITA that may have occurred since the signing of the Memorandum of Understanding of 4 April 2002 and the identification of UNITA funds and financial resources frozen pursuant to paragraph 11 of resolution 1173 (1998);

5. *Requests* the Secretary-General, upon adoption of this resolution and acting in consultation with the Committee to appoint two experts to serve on the monitoring mechanism and *further requests* the Secretary-General to make the necessary financial arrangements to support the work of the monitoring mechanism;

6. *Requests* the Chairman of the Committee to submit the additional report to the Council by 19 December 2002;

7. *Calls upon* all States to cooperate fully with the monitoring mechanism in the discharge of its mandate;

8. *Decides* that the provisions of paragraph 4 (a) and 4 (b) of resolution 1127 (1997) shall cease to have effect from 00:01 Eastern Standard Time on 14 November 2002, following the expiration of the suspension of the measures as set out in paragraph 1 of resolution 1432 (2002);

9. *Decides* to review, with a view to the possible lifting of, all the measures in resolutions 864 (1993), 1127 (1997) and 1173 (1998) by 19 November 2002, taking into account all available information, including from the Government of Angola and all other parties involved, on the implementation of the peace accords;

10. *Decides* to remain actively seized of the matter.

**Security Council**

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Letter dated 17 October 2002 from the Permanent Representative of Zimbabwe to the United Nations addressed to the President of the Security Council

I refer to the presidential statement dated May 2001 (S/PRST/2001/13) in which the Security Council of the United Nations extended the mandate of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo. I have reason to believe that the report of the Panel of Experts in question should be out soon. In the meantime, it has come to the attention of the Government of Zimbabwe that the international conspiracy and alignment of forces against Zimbabwe continues unabated, as exemplified by the grotesque fabrication of false evidence being presented to the Panel by our detractors through the Western media.

In my intervention to the Security Council on the preliminary report on the addendum to the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, I had reason to refer to what I called the absurdity of the report's contents and the pre-set wishes "on which the Panel based its methodological framework". I castigated its sources of information and said it was *full of hearsay*, and constant reference to unverifiable sources, "the so-called credible sources (journalistic parlance), which are not identified". The Minister of Foreign Affairs of Zimbabwe, Dr. I. S. G. Mudenge, in his address to the Security Council on the addendum to the April report on 14 December 2001, equally castigated the report. He referred especially to paragraph 76 of the report which, in his words, "Imports, lock stock and barrel, the caricatures and grotesque and false misrepresentations of the situation in my country as peddled daily on the Internet and the media by those dedicated to demonize, vilify and ostracize my country". Dr. Mudenge appropriately pointed out that this abuse of trust as exemplified in the report of the Panel was "unworthy of a United Nations document".

Mr. President, the grotesque and malicious interference by enemies of my country in what should be a professional investigation by the Panel continues to this day.

In Harare, and indeed given today's information highway, *the media* is awash with the contents of a fraudulent document purported to be a letter from Zimbabwe's Minister of Defence to President R. G. Mugabe seeking the latter's intervention on behalf of Zimbabwean companies to remove obstacles to further progress in the implementation of economic cooperation between the Democratic Republic of the



Congo and Zimbabwe. The document is supposed to be a leak from sources to Mr. Walker, diplomatic correspondent of The Sunday Times, 1 Pennington Street, London E98 1ST. The document was, in typical British propaganda style, leaked to a member of the Panel, Mr. Taylor.

You may of course want to think that in the interest of investigative journalism the leak is normal. But who is this Hannah Taylor? Surely in the interest of transparency and objectivity any important information would have been referred to the Chairman of the Panel. More importantly for the integrity of the United Nations, the Chairman of the Panel should have made attempts to verify the report with the Zimbabwe Government or this Mission.

Mr. President, let me state categorically that the four-page document in the possession of Mr. Walker is fraudulent. Mr. Walker strangely seeks Mr. Taylor's opinion on the fraudulent document, implying therefore that Mr. Taylor might be part of this shenanigan. If this assumption is correct, then God bless the Security Council. We know that so-called diplomatic correspondents of British major papers are agents of MI6. If United Nations panellists have become covert agents of major powers, then the Security Council is completely compromised. The reference by Mr. Walker to "my sources in Zim" and the fact that a fraudulent document is being looked at "by American diplomats" is a clear affirmation of the collaborative efforts of some permanent members of the Council with what should be an independent panel of experts. My Government hopes that none of the fabricated material will find its way into the Panel's report. If the British media's so-called "secret" document is in any way used or referred to by the Panel, the Security Council will have become party to the conspiracy against my country by the West.

Mr. President, you no doubt realize the quintessential nature of the United Nations and the Security Council as organs for the salvation of humanity. My Government demands that the present note be acknowledged by the Council and that it become an official document of the United Nations. By the same token, this Mission will distribute it to all permanent missions for the record.

(Signed) T. J. B. **Jokonya**
Ambassador
Permanent Representative



Security Council

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18 October 2002

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Letter dated 18 October 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

I have the honour to forward herewith information on the threat of Interahamwe militia and ex-FAR to attack the Republic of Rwanda, as they are dispatched by the Government of the Democratic Republic of the Congo to reinforce the fighting on the eastern border near Rwanda (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Anastase Gasana
Ambassador
Permanent Representative



Annex to the letter dated 18 October 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

17 October 2002

The Government of the Republic of Rwanda has learned with grave concern that the ex-FAR and Interahamwe who were supposedly cantoned in Kamina have now been dispatched, heavily armed from the armoury of the Government of the Democratic Republic of the Congo, to the eastern Democratic Republic of the Congo to join their units, which are already besieging Bukavu town. This is in addition to other Interahamwe units which are being dispatched from Likasi, in Katanga, to reinforce their forces in the eastern Democratic Republic of the Congo.

This is yet another confirmation that the Kinshasa Government is bent on fuelling the flames of violence in the Great Lakes region using Interahamwe and ex-FAR, in blatant violation of the Lusaka and Pretoria agreements.

The continued tactic of the Kinshasa Government to hide behind the terrorist forces (ex-FAR, Interahamwe, Mayi-Mayi, FDD, ALIR and others) to destabilize the entire Great Lakes region should be recognized for what it is and condemned unconditionally.

The Government of the Republic of Rwanda would like to reiterate its shock at the lack of appropriate response by the international community to this reversal of the peace process in the region. This is clearly nothing short of a conspiracy of silence.

The Government of Rwanda reserves the right to defend the country against these genocidal forces and calls upon the third parties to assume their responsibilities to avert this crisis.

**Security Council**

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Letter dated 18 October 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

The Government of the Republic of Rwanda calls upon the Security Council to exert its influence on the Government of President Kabila to cease the violation of the Lusaka Agreement and the Pretoria process on the morrow of the total withdrawal of the Rwanda Defence Forces which took place on 5 October 2002, as monitored by MONUC, JMC and foreign diplomats.

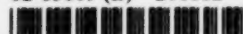
First, the Government of Kinshasa and their allies Mai-Mai, ex-FAR and Interahamwe militia as well as FDD attacked RCD-Goma and the war is still going on around the town of Bukavu in the province of South Kivu. It was the Government of Kinshasa which made a joint attack with the ex-FAR, Interahamwe, Mai-Mai and FDD on the town of Uvira, with 10 boats mounted with Katyusha artillery guns. This attack took place a few days after President Joseph Kabila presided over a meeting in Lubumbashi in Katanga province, which was attended by the Commander of ex-FAR and militia Interahamwe, General Ntiwiragabo.

The Security Council must know that there is a joint command and structure of FAC, ex-FAR, FDD and the militia Mai-Mai and Interahamwe. It is well known that General Lukole, the senior officer of the Kinshasa Government forces, is the chief coordinator of operations taking place in Uvira and around Bukavu.

Immediately after the capture of Uvira, the town was handed over to the Mai-Mai which raised the flag of the Kinshasa regime. In their address to the population of Uvira, they promised the appointment of a mayor and a governor by the Government of Kinshasa. After Uvira, ex-FAR and FDD went to cut off the road to Bujumbura and the road to Bukavu.

The Government of Rwanda is shocked by the behaviour of President Kabila who armed and dispatched more than 1,100 ex-FAR soldiers who were in Kamina barracks to reinforce the fighting in eastern Congo, more specifically around Bukavu town. He did this after allowing only 120 ex-combatants in Kamina to regain Rwanda and now the remaining 400 are only children and women.

The Government of the Republic of Rwanda does not understand the position of the Security Council and its silence from our first withdrawal on 17 September up to the total withdrawal on 5 October 2002. This is clearly a conspiracy of silence which supports President Kabila and his allies in violating the Peace Agreements. For the consequences emanating from this deteriorating situation, the Government of Kinshasa and its allies are responsible.



We should be grateful if you would have this letter circulated as a document of the United Nations Security Council.

(Signed) Dr. Anastase **Gasana**
Ambassador
Permanent Representative



Security Council

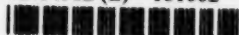
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Letter dated 10 October 2002 from the Permanent Representative of Colombia to the United Nations addressed to the President of the Security Council

I am transmitting herewith a paper prepared by the Permanent Mission of Colombia containing ideas for the consideration of the question of small arms. The paper was prepared in accordance with the agreement reached during informal consultations on 2 October 2002 and circulated informally among the members of the Security Council on 8 October 2002.

I should be grateful if you would circulate this text as an official document of the Security Council.

(Signed) Alfonso **Valdivieso**
Ambassador
Permanent Representative



Annex to the letter dated 10 October 2002 from the Permanent Representative of Colombia to the United Nations addressed to the President of the Security Council

[Original: English]

Non-paper for the consideration of the issue of small arms

Security Council

Permanent Mission of Colombia to the United Nations

8 October 2002

Following the 2 October 2002 discussion during informal consultations, Colombia agreed to prepare some general ideas with guidelines and suggestions for the Security Council's consideration of the question of small arms in the immediate future. These guidelines and suggestions, all of which are included in this non-paper, are intended to trigger a productive, useful and pertinent discussion in the Security Council of the report of the Secretary-General (S/2002/1053) on small arms.

General focus

We are inviting members and non-members of the Council to use this opportunity to address comprehensively the issue of implementation of arms embargoes. Of course, statements may refer to specific arms embargoes. However, we believe it would be more useful if Member States address the broader issue of the role of the Security Council and the United Nations in the implementation of arms embargoes, and draw on specific examples from cases whose situations are negatively affected from the illicit flow of small arms. We are referring in particular to targeted sanctions regimes related to Liberia, Sierra Leone, Angola, Somalia and to a certain degree, those targeted actors covered under resolutions 1267 (1999) and 1390 (2002).

Objective

The ultimate objective of this open debate is to compile and discuss the past experience of the Security Council in the implementation of arms embargoes, and to construct and design a strategic vision for the future. Statements by members and non-members of the Council, recommendations of the Secretary-General, and other relevant information will serve as inputs for a draft presidential statement that Colombia would be willing to submit for the consideration of the Security Council. This draft would focus on a political vision and a global strategy of the Council that would apply to the implementation of current and future arms embargoes.

Background information

In addition to the report of the Secretary-General (S/2002/1053), members participating in the debate should consider the recommendations on arms embargoes submitted to the Council by panels of experts in charge of monitoring the implementation of current and past targeted sanctions regimes. The situations in Angola, Sierra Leone, Liberia and Somalia, as well as those targeted actors covered under resolutions 1267 (1999) and 1390 (2002), are cases in point. A summary of some of the general recommendations that may be considered by participants during the open debate of the Security Council is attached as a reference aid (see enclosure).

Stages for action

To achieve the stated objective, the following stages are proposed:

(a) Convene an Arria Formula with the participation of available arms experts of the monitoring panels of Angola, Liberia, Sierra Leone and Somalia as well as the Monitoring Group established pursuant to resolution 1390 (2002). Experts would be invited to address the difficulties and opportunities of implementing arms embargoes. The Arria meeting should take place two or three days before the open debate in the Security Council and be open to non-members of the Council;

(b) Hold the open debate in the Security Council, inviting States Members of the United Nations to make statements based on the ideas contained in this non-paper and the recommendations contained in the report of the Secretary-General (S/2002/1053). At a later stage, some ideas would be presented to the Security Council on the detailed format proposed for the meeting. At this point, we think we should invite the chairpersons of both the Economic Community of West African States and the Southern African Development Community to address the Council on the moratorium and the Action Plan for the Control of Light Weapons, respectively. This would reaffirm that regional efforts to control the illicit flow of small arms are not disconnected from global efforts in the form of arms embargoes imposed by the Security Council, but rather are complimentary and mutually reinforcing;

(c) Prepare a draft presidential statement for consideration of the Security Council that takes into account the discussion and incorporates relevant suggestions and recommendations.

Enclosure

Summary of recommendations related to arms embargoes presented by the panels of experts established by the Security Council

**Permanent Mission of Colombia to the United Nations
8 October 2002**

1. Recommendations by the Monitoring Group established pursuant to resolution 1390 (2002) (document S/2002/1050 and Corr.1)

(a) All States that have not yet done so should as soon as possible take steps to require the registration of all arms brokers dealing from their territories. This should include the registration of non-nationals as well as nationals.

(b) Every State should adopt measures criminalizing the operation of non-registered arms brokers. Such brokers should be barred from performing any kind of activity related to arms transactions. Adequate penalties should be imposed. Consideration should be given to the drafting of an international convention for the suppression of illegal arms brokering activities.

(c) International standards should be formulated to clarify rules pertaining to the transfer of ownership of arms consignments between the supplier and the recipient.

(d) A registry should be maintained including the names of all persons involved in providing services related to arms transfers.

(e) Strict use of end-user certificates should be required.

(f) Shipping routes of the arms consignment including carriage should be declared before shipment commences.

2. Recommendations by the Monitoring Mechanism on Angola Sanctions (S/2000/1225 and Corr.1 and 2)

(a) Arms exporting countries should strengthen their systems pertaining to arms exports, in particular verifying the authenticity and country of issuance of the relevant documents.

(b) The importation of arms should be subject to adequate legislation and should be managed through a mechanism that can define clearly the responsibilities of all agencies and officials involved. Such system should include provisions designating in person the officials authorized to sign end-user certificates.

(c) The format of end-user certificates necessary to legally acquire arms should be provided with a standard system of support and a sufficient level of security to deter and/or prevent the forgery of such documents.

(d) Governments should consider putting in place systems to allow for the speedy exchange of information and verification of the validity of end-user certificates through the designation of a contact authority in the arms exporting and importing side or by any other way deemed appropriate.

(e) The international community should give full support to the implementation of the ECOWAS moratorium and the SADC action plan for the control of light weapons.

(f) A register of intermediary firms/brokers dealing with import/export of arms should be put in place.

(g) Sanctions-busters should have their aircraft de-registered. An international list of companies, individuals and aircraft breaking sanctions should be maintained by the United Nations on a permanent basis and provided to those countries that export arms.

(h) Member States should consider introducing legislation regulating the leasing of aircraft for the transportation of weapons. These measures and regulations should include provisions obliging the contracting partners to prohibit the delivery of equipment in breach of Security Council embargoes.

(i) The Security Council should consider applying sanctions against any Government found to be intentionally violating them.

3. Recommendations by the Panel of Experts on Sierra Leone Diamonds and Arms (S/2000/1195)

(a) In view of the sanctions-breaking cases investigated by the Panel and the information gathered in the region, it is recommended that the Security Council encourage the reinforcement of the ECOWAS Programme for Coordination and Assistance for Security and Development (PCASED) with support from Interpol and the World Customs Organization. PCASED should have an active capacity to monitor compliance with arms embargoes and the circulation of illicit weapons in the region.

(b) The Security Council should encourage ECOWAS member States to enter into binding regional arrangements between States with common frontier zones, to initiate an effective, common and internationally agreed system of control that includes the recording, licensing, collection and destruction of small arms and light weapons.

(c) In this report, the Panel has identified certain arms brokers and intermediaries responsible for supplying weapons to the RUF. A project should be developed to profile these arms brokers with the cooperation of Interpol. Similarly, considering the importance of air transport in the sanctions-busting, profiles of major cargo companies involved in such practices should be developed, with a view to exploring ways and means of further strengthening the implementation of sanctions.

(d) Responsibility for the flood of weapons into West Africa lies with producing countries as well as those that trans-ship and use them. The Security Council must find ways of restricting the export of weapons, especially from Eastern Europe, into conflict areas under regional or United Nations embargoes. "Naming and shaming" is a first step, but consideration could be given to an embargo on weapons exports from specific producer countries, just as diamonds have been embargoed from producer countries until internationally acceptable certification schemes have been developed.

(e) Current Security Council arms embargoes should be amended to include a clear ban on the provision of military and paramilitary training.

(f) The World Customs Organization should be asked to share with the Security Council its views on creating adequate measures for better monitoring and detection of weapons and related materiel to non-State actors and countries under an arms embargo.

(g) The Security Council should consider ways in which air traffic control and surveillance in West Africa can be improved, with a view to curtailing the illicit movement of weapons.

(h) Consideration should be given to creating capacity within the United Nations Secretariat for ongoing monitoring of Security Council sanctions and embargoes.

4. Recommendations by the Panel of Experts on Liberia (S/2001/1015 and S/2002/470)

(a) All United Nations Member States abstain from supplying weapons to the Mano River Union countries.

(b) An arms embargo be imposed on the armed non-State actors in the three Mano River Union countries (namely the LURD and Ulimo-factions, the RUF and the Guinean armed dissident groups).

(c) The Panel also recommends that, for reasons of transparency and confidence-building, the ECOWAS Moratorium on Small Arms should be broadened to an information exchange mechanism for all weapons types procured by the ECOWAS member States.

(d) The existing Programme for Coordination and Assistance for Security and Development (PCASED) could be further developed to improve the information exchange on current holdings and future arms procurement of West African States. The Panel also reiterates its recommendation that the information exchange should be binding on both the suppliers and the receiving States and that they should report every arms transaction to the newly established mechanism, including data on the names and companies of the brokers and transport agents.

(e) The Panel once again strongly recommends an immediate and complete embargo on all non-State actors in the Mano River Union countries, including the dissident groups constituting LURD.

(f) The Panel urgently recommends the establishment of a United Nations working group to develop the modalities for a standardized end-user certificate that would include the name, address and telephone number of the signing authority for the certificate, and name, address, telephone number and arms trading licence of the broker(s) involved.

**General Assembly
Security Council**Distr.: General
21 October 2002

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General Assembly
Fifty-seventh session
Agenda item 37Security Council
Fifty-seventh year**The situation in Afghanistan and its implications for
international peace and security****Report of the Secretary-General***Summary*

The present report describes the ongoing work of the Transitional Administration to implement the Bonn Agreement. It focuses on a number of initiatives to enhance Government capacity, encourage private-sector growth and reform fiscal policy in order to allow the Government to gather revenues and to allocate and disburse them transparently and effectively. The Afghan Government's elaboration of a National Development Framework and Budget has been a key step in this process. The report also provides an update on the various commissions that are mandated by the Bonn Agreement (Civil Service Commission, Constitutional Commission, Human Rights Commission and Judicial Commission) as well as a number of other commissions created by President Karzai on his own initiative at the Loya Jirga.

The report further describes efforts by the international community to provide humanitarian assistance and to support the Afghan Government in reconstruction activities. Significant progress has been noted in the field of health (particularly immunizations), primary education and assistance to returnees (both refugees and internally displaced persons). The report also outlines efforts by the United Nations to support the Government as it defines priorities in the key sectors of rehabilitation and reconstruction.

A key impediment to implementation of the Bonn Agreement remains the deteriorating security climate. While efforts have been made to resolve conflicts between still-powerful leaders in some areas, a number of acts of terrorism and political violence have been perpetrated. The International Security Assistance Force (ISAF) continues to effectively patrol Kabul, but more emphatic security measures by the international community are required beyond the capital. Notwithstanding this continuing need, efforts are ongoing to build and train a new Afghan army and police force, and to prepare for concomitant disarmament and demobilization of combatants who will not be recruited into State security structures.



I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1401 (2002), adopted on 28 March 2002, and General Assembly resolution 56/220 A, adopted on 21 December 2001. It covers the period since the previous report on this item (A/56/1000-S/2002/737), issued on 11 July 2002.

II. Implementation of the Bonn Agreement: progress of the Transitional Administration

2. The Transitional Administration was established at the closing of the Emergency Loya Jirga in June 2002 (see A/56/1000-S/2002/737, paras. 28-42) in accordance with the Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions (Bonn Agreement) (see S/2001/1154). The Administration, led by President Hamid Karzai, faces daunting tasks in the reconstruction of the country, the restoration of law and order, and the implementation of the remaining parts of the Bonn agenda, including the drafting and ratification of a new constitution and organization of general elections. Moreover, the Administration has to accomplish this in the context of a security climate that remains uncertain (see paras. 11-18 and 29-35 below).

3. During the reporting period, several key parts of the reform agenda announced by President Karzai at the Loya Jirga were set in motion. The President asserted the principle of civilian control over the armed forces by announcing that he was their Commander-in-Chief. A Defence Commission, with a broad representation of ethnicities, was established to work on the reform of the army. A National Security Council overseen by a National Security Adviser started to tackle the proliferation of local conflicts, sending out missions, along with representatives of the Cabinet, to resolve disputes in Herat and Mazar-i-Sharif.

4. The Government continues its efforts to extend its influence and control outside of Kabul. The Ministry of Finance has begun the vital work of bringing provincial government income under central government control. Progress was made when the Governor of Herat, Ismael Khan, remitted customs and passport revenues to the Government. The authorities in Balkh also submitted revenues to the central Government. Negotiations continue with other regional leaders to persuade them to remit to the Transitional Administration revenues collected in their areas. These revenues are often, in addition, the source of local conflicts. Besides reducing the incentive for conflict, the centralizing of revenue collection is a prerequisite of the effective functioning of the Afghan State.

5. The Transitional Administration's National Development Framework presents a vision of the State's role relative to the economy and society. The National Development Framework has three broad aims. The first is to use humanitarian assistance and social policy to create the necessary conditions for people to live secure lives and to thereby lay the foundations of human capital needed to support sustainable economic and social development. The second is to use external assistance to build the physical infrastructure and provide the basis for economic growth, led by the private sector, that can in turn support and build Afghanistan's human and social capital. The third is the creation of sustainable growth, so that a competitive private sector becomes an engine of growth and creates opportunity for

the population, thus serving also as an instrument of social inclusion. The success of this strategy depends on the ability of the State to implement it. To help the Government achieve this, the United Nations Assistance Mission in Afghanistan (UNAMA) has been working with ministries to enhance their overall capacity.

6. The Transitional Administration has prepared a preliminary National Development Budget to implement the Framework. The budget was developed through a consultative process that involved the line ministries. The national budget is seen by the Government as its central instrument of policy, allowing it in particular to determine and monitor the development agenda. The budget for the current fiscal year (beginning in March 2002) amounts to \$460 million. The Afghan Government expects to raise \$60 million of this from its own resources. For the balance, the Government must rely on international donors through the Afghanistan Reconstruction Trust Fund (ARTF) (see also para. 44 below).

7. The Transitional Administration has undertaken two ambitious initiatives to spur private sector growth, which is the keystone of its development strategy. First, the Administration enacted a private investment law to replace bureaucratic impediments that had reportedly frustrated a number of Afghan entrepreneurs. Second, the Administration has introduced a new Afghan currency (the "New Afghani"). A nationwide currency exchange exercise is under way to replace with the New Afghani the various currencies now circulating in the country. This is a courageous initiative, which, if successful, will reinforce the economic unity of the country and restore national and international confidence in the currency. It will also reduce transaction costs by reducing transaction risks.

8. In a further effort to promote fiscal reform, the Transitional Administration has hired reputable international companies to assist in procurement, financial management and auditing functions. The use of these firms should encourage transparency, accountability and efficiency, and curb corruption. This, in turn, should increase the confidence of donors and private sector investors in Afghanistan.

9. The Transitional Administration's attempts to fulfil its ambitious objectives have been stalled, however, by limitations in its ability to impose its authority nationwide. The intended policy of replacing the existing provincial governors, and heads of the provincial police, military garrisons, revenue offices and civil administrations with officials drawn from other provinces (see A/56/1000-S/2002/737, para. 39) has, in the majority of cases, not been realized. The Government has been unable to persuade factional leaders to move to Kabul. It has also not been able to enforce a decree that makes all armed groups allied to political factions illegal and orders their dissolution.

10. The Government seems to be succeeding in imposing its authority in some areas, however. Forces loyal to the Transitional Administration's Governor in Khost succeeded in dislodging fighters loyal to the faction leader Pacha Khan Zadran. Zadran had refused to recognize the Kabul-appointed governors of Paktya, Paktika and Khost provinces, and had attacked the city of Gardez several times, inflicting numerous casualties. It is also important to note that none of the remaining key factional leaders has opted out of the peace process, and some have made positive steps in building cooperation with the Government. However, the power of these leaders is not uniformly exercised in the name of the Transitional Administration, its authority and policies, or the interests of the people of Afghanistan as a whole.

11. The most serious challenge facing Afghanistan and Afghans today remains the lack of security; therefore, the most urgent national project remains the creation of security forces that are acceptable to the overwhelming majority of the Afghan people. Reform of the security sector will provide Afghans with the tools to assure their own security and may also facilitate national reconciliation through the creation of a trusted national police and national army. It is now recognized by all that training of soldiers and policemen has to be complemented by comprehensive reform of these two institutions. A debate has at last begun about the future of the Afghan national army, and the Defence Commission is beginning to play the role it was created to play in the formation of the new armed forces. The lead nation on the reform of the armed forces, the United States of America, is working closely with the Afghans, UNAMA and the international community to secure an agreement between the central Government and the regional leaders on the future size, structure and deployment of the new Afghan armed forces. Related to this, it is vital that a clear plan for recruitment be defined to determine how those eligible for the new army will be phased in and others phased out. Numerous obstacles must be overcome before these objectives are met, including, above all, the need for consistent financial support. In order for the new army to become the national army of Afghanistan, rather than an additional army among many, existing private militias must be dismantled and their members demobilized and reintegrated into society. Japan and UNAMA are in the lead to design and implement a demobilization and reintegration plan as part of the process.

12. While the debate on the future shape of the national army is ongoing, efforts to train its soldiers continue. Three new battalions have graduated from training courses conducted by military personnel from the United States and France. However, the problems that existed when this training programme began have not yet been solved: there is a shortage of recruits, each battalion is only at half strength and the Ministry of Defence has said that it is unable to provide weapons, which have had to be imported. Furthermore, after the battalions graduate they are left with no clearly defined role and face difficulties finding suitable barracks, which must be specially renovated for their use. The International Security Assistance Force (ISAF) has started to run a training course to update the skills of the first battalion of the National Guard that it had originally trained earlier this year. This will ensure that a sense of purpose is nurtured and the number of personnel is maintained.

13. The lack of a unified and effective security structure means that Afghans continue to be exposed to intimidation, violence and crime. This negatively impacts all aspects of the peace process. It creates a vicious cycle in that many who express a wish to give up their weapons feel impelled to keep them so long as they experience insecurity.

14. The work of building a national army represents only part of the necessary security framework. Efforts to form a national police force need to be given added impetus as well. Germany, as lead nation for police reform, has begun to implement a programme to train and equip the police. This programme has made good progress. Eighty police trainers have so far been trained and have in turn begun training 1,549 police officers, including women. The one-year courses will be conducted at the Police Academy, newly refurbished by the German Police training project. The United States has generously pledged to start a training course for junior policemen and to train police trainers from the regions to conduct courses outside Kabul. France will also provide support to the Afghan police, supplying a drug laboratory

and equipment for those working in the anti-narcotics department in the Ministry of the Interior.

15. A one-week seminar held at the end of July at the Ministry of the Interior, allowed chiefs of police from across Afghanistan to define and agree upon a set of national objectives. However, police throughout the country remain woefully under-equipped and many outside Kabul have not been paid for months. The police are therefore unable to provide the basic services needed in the communities that they serve or to fill the security vacuum in so many parts of the country.

16. The Law and Order Trust Fund for Afghanistan (LOTFA) is beginning to cover the basic needs of the police in the Kabul region. This fund is being managed by the United Nations Development Programme (UNDP) in close cooperation with the Ministry of the Interior and UNAMA. Activities to be covered through the fund include the rehabilitation of police facilities, payment of salaries, training and capacity-building, and procurement of non-lethal equipment. It is hoped that sufficient resources will be provided to this Fund to allow funding activities to be expanded to other provinces soon.

17. The need to eradicate drugs remains one of the most pressing issues facing Afghanistan. Unfortunately, earlier momentum towards the definition of a comprehensive anti-narcotics strategy, including the provision of alternative livelihoods to poppy cultivation, has faltered. For a significant number of Afghans, poppy cultivation remains the only means to earn a livelihood. In the absence of viable economic alternatives, planting of next year's crop has already begun. The Afghan Government is working closely with the Office for Drug Control and Crime Prevention (ODCCP) and the Governments of the United Kingdom of Great Britain and Northern Ireland, the United States and Germany to develop and implement a counter-narcotics programme. ODCCP will assist in planning, coordinating and building administrative capacity for the programme. A drug control strategy is expected to be ready by late October for presentation at a consultation with relevant ministries and partners.

18. With regard to its international relations, the Transitional Administration has taken a number of measures to demonstrate its policy of responsible international citizenship. These include the signing of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (see CD/1478), concerted efforts against terrorism and, as mentioned above, a serious anti-narcotics campaign. President Karzai has striven to develop good relations with countries within the region, in particular with the Islamic Republic of Iran and Pakistan. He has expressed his determination to strengthen mutually beneficial relationships with these important neighbours. As he stated to the high-level ad hoc meeting on Afghanistan, held in New York on 13 September 2002: "We extend a sincere hand of friendship to all our neighbours on the basis of mutual respect for sovereignty, territorial integrity and independence." In this regard, I was pleased that during my meeting with President Karzai held at the general debate last September, he reiterated his desire for Afghanistan to resume its place as a responsible member of the international community.

III. Implementation of the Bonn Agreement: the commissions

19. The Bonn Agreement mandates the establishment of a number of commissions, including a Human Rights Commission, a Judicial Commission and a Constitutional Commission. The agreement also provides for the creation of additional commissions as necessary.

20. The Afghan Independent Human Rights Commission (AIHRC) has been working on establishing its office and assuming its substantive responsibilities. Specific terms of reference have been assigned to each of the members in line with the Commission's programme of work. This programme will focus on investigation and monitoring, human rights education, the rights of women, and transitional justice. The Commission has already received petitions regarding alleged human rights violations and has begun to advise the Government on appropriate action. It has organized, jointly with UNAMA, fact-finding missions to several provinces to address human rights issues. Its members plan to cooperate closely in the future with the Constitutional and Judicial Commissions in order to ensure that human rights principles and standards are adequately reflected in the future constitution and in legal reforms. The Commission's United Nations-supported two-year programme was presented to donor countries both in Kabul and in the Office of the United Nations High Commissioner for Human Rights in Geneva. It is hoped that the strong support of the international community will soon be translated into actual funding of the Commission's activities.

21. The issue of transitional justice in particular was given a tragic yet urgent relevance by reports of mass graves in northern Afghanistan. International media focused their interest on the Dasht-i-Leily site, near Shiberghan, which allegedly contained the remains of Taliban prisoners. In August, the three major political and military factions of the north in a joint public statement signed by General Dostum (Jumbish), General Atta (Jamiat) and Sardar Mohamad Sahidi (Wahadat Islami) declared their readiness to cooperate with investigations provided that these were carried out in an objective and impartial way. In their view, investigations should therefore also address those sites that allegedly contain the remains of people killed by the Taliban. UNAMA and the Office of the United Nations High Commissioner for Human Rights are exploring the possibility of having several sites investigated by forensic experts simultaneously. In view of the volatile situation in the north, additional security guarantees will be needed. The Afghan, Independent Human Rights Commission and UNAMA agree that the investigations should have a low publicity profile and, at the present juncture, be aimed primarily at finding and preserving evidence as well as, whenever possible, returning the remains to the families for a dignified burial. The present situation does not allow for systematic and full investigations of this and other human rights abuses of either the distant or recent past. There are currently no means of ensuring the security and protection of witnesses, and furthermore such investigations would seriously disrupt the fragile peace that the Government and international community are striving to foster and reinforce.

22. UNAMA human rights team has addressed over 40 cases of alleged serious human rights violations, including acts of intimidation suffered by leaders of political groups and civil society organizations. The situation is particularly serious in the central Hazarajat region, and the west and north-east parts of the country, where political and military leaders are trying to prevent any questioning of their

arbitrary rule. Specific ethnic groups, particularly the Pashtuns in the west and the north, have continued to be targeted and are victims of discrimination and violence.

23. The Mission is also looking into other possible patterns of violations: forced recruitment in the north by different armed factions; intimidation within government institutions; and conditions in prisons and private jails.

24. On 19 September 2002, under the auspices of the Ministry for Women's Affairs, UNAMA and the United Nations Development Fund for Women (UNIFEM) jointly supported and facilitated a workshop of the Gender Programme Working Group, which included 60 national and international participants. The Working Group built mechanisms for coordination and collaboration between the various actors working in this field, and identified gender programmes for inclusion in the National Development Budget and the United Nations consolidated appeal. Following the positive experience with the Loya Jirga and the creation of the Loya Jirga network (see A/56/1000-S/2002/737, para. 37), UNAMA plans to further collaborate with the Ministry for Women's Affairs and the State Minister for Women's Affairs on a series of national and regional workshops to help prepare selected Afghan women for engagement and participation in the next elections, some as prospective candidates for political posts and the majority as electors. In relation to women's and girls' basic rights, there is cause for concern over the re-establishment at the central level of a Department of Islamic Teaching (*Irshad Islami*) reminiscent of the Taliban era Department of Vice and Virtue. As part of its function, the department has trained and deployed women to promote, in institutions and public places, strict behaviour for Afghan women, including restrictions with respect to their appearance and views.

25. To ensure the independence of the Judicial Commission, its membership is being reviewed. President Karzai has asked the Vice-President, Nematullah Shahrani, the Minister of Justice, Abdul Rahim Karimi, and UNAMA to assist in identifying suitable candidates. The lead nation for this sector, Italy, convened a G-8 donors conference on 17 and 18 September 2002 in Rome. A larger follow-up conference will take place from 19 to 21 December, also in Rome.

26. The Bonn Agreement calls on the Transitional Administration to prepare and conduct general elections within two years of the convening of the Emergency Loya Jirga (sect. I, para. 4). Parties to the agreement requested the United Nations to conduct a voter registration exercise in preparation for the election. In response to this request, members of the Electoral Assistance Division of the Department of Political Affairs of the United Nations Secretariat undertook a mission to Afghanistan in August to initiate discussions with relevant Afghan authorities and collect information in order to conduct a preliminary analysis of the requirements for an election. This inherently challenging task will be made even more difficult by logistic and security concerns as well as a lack of basic data. Also, an immediate step required to prepare for the elections will involve the establishment of an electoral management body, to organize and oversee the electoral process.

27. The Bonn Agreement also requires that a new census be conducted (annex III, para. 3 (ii)). Information from the census is needed for sound planning of the reconstruction process, which requires reliable population and development data. The United Nations Population Fund (UNFPA) is working with Afghan authorities to prepare for this major undertaking.

28. An important responsibility facing the Transitional Administration is the drafting and ratification of a new constitution. According to the Bonn Agreement, a Constitutional Commission is to be formed within 2 months of the installation of the Transitional Administration, and a Constitutional Loya Jirga to adopt the constitution is to take place within 18 months of that date (sect. 1, para. 6). In a modification of the letter of the Bonn Agreement that in no way violates its spirit, President Karzai has created a Constitutional Drafting Commission to prepare a first draft of the constitution. The full Constitutional Commission will be created in six months, once the drafting is complete. The full Commission will finalize and approve the draft that will be presented to the Constitutional Loya Jirga for ratification.

IV. Security

29. The period since the last report has seen a number of serious security incidents, adding to existing fears about overall security in Afghanistan. Attacks have taken place against members of the Transitional Administration and the international community, including the United Nations. These attacks suggest a renewed vitality and commitment on the part of those groups that are hostile to the peace process. They remain a source of serious concern. One day in particular, 5 September 2002, exposed the fragility of Afghanistan's security situation with devastating clarity. On that day, President Karzai narrowly escaped assassination in Kandahar and a major bomb exploded in the middle of Kabul killing more than 25 people. These events, occurring within hours of each other, were a brutal and vivid reminder that there are people intent on perpetuating the cycle of violence in Afghanistan. At the same time, these grave incidents represent a test of the international community's commitment to Afghanistan and must not be allowed to undermine the progress that has been made.

30. Across the country, skirmishes between rival factions still take place. No region of the country has escaped conflict. These conflicts prevent the delivery of aid, erode Afghans' confidence in the future and continue to cause human, social and infrastructural damage.

31. The United Nations itself has not escaped the violence. In late August, a small bomb was placed outside the United Nations guest house in Kabul, injuring two people when it exploded. A grenade was thrown into the compound of the Food and Agriculture Organization of the United Nations (FAO) in Kandahar at the beginning of August, and it was extremely fortunate that there were no casualties. On 25 August, a guard was injured when two rockets hit the United Nations Children's Fund (UNICEF) compound in Jalalabad, located near a coalition base.

32. The months following the convening of the Loya Jirga have seen an increase in terrorist incidents in the capital; there have been several rocket attacks and bomb explosions which, except for the attack on 5 September, have thankfully resulted in few damages and no casualties. The security situation in Kabul would undoubtedly be far worse were it not for the existence of ISAF under the command of Major General Hilmi Akin Zorlu of Turkey. The Force has played a crucial role in thwarting terrorist attacks and in protecting the government and people of Kabul. ISAF has been working with the Afghan security forces at improving cooperation and intelligence-sharing.

33. ISAF also responded positively to a request by President Karzai to assist the investigation into the assassination of Vice-President Haji Qadir on 6 July 2002. While those responsible for the assassination have still not been conclusively identified, ISAF assistance did result in stronger procedures for protecting members of the Transitional Administration, and a special training programme for bodyguards.

34. The western region continues to be relatively calm. In a positive effort to reduce tension between the Governor of Kandahar, Gul Agha, and the Governor of Herat, Ismael Khan, President Karzai proposed a meeting between the two leaders. General McNeill, commander of the coalition forces in Afghanistan, assisted in bringing the two leaders together.

35. While there has been a disturbing increase in the number of conflicts since the Loya Jirga, regional leaders, the Government and in some cases the belligerents themselves have worked to contain and put an end to the fighting. A case in point is the situation in the north where, after continued bouts of small-scale fighting during the period of this report, a more constructive approach has been adopted by the leaderships of the rival parties, Jumbish and Jamiat. Tensions around Mazar-i-Sharif appear to be abating somewhat after patient and persistent local-level diplomacy yielded increased cooperation between General Atta of Jamiat and General Dostum of Jumbish. In particular, an agreement to disarm the city was reached, and most of the city has been cleared of weapons. The two leaders announced that, in the future, there would be no place for commanders who fight for personal benefit. The intervention of the Joint Security Commission, which includes a representative of UNAMA, has also been successful in ending some low-level conflicts before they escalated or spread. The Commission has been busy working to resolve conflicts, setting up consultative shuras and working on the voluntary disarmament of districts where fighting has taken place. The United Nations, working with other members of the international community and local authorities, will continue to try to build on such progress and replicate it in other areas.

V. Humanitarian relief, recovery and reconstruction

36. During the period covered by this report, the Government of Afghanistan, the United Nations, non-governmental organizations and Afghan communities have been intensely involved in responding to the humanitarian crisis, addressing critical immediate needs. The focus has now shifted to a multifaceted response to rebuilding communities, responding to the many components of food insecurity, creating jobs, improving health care and expanding social services.

37. The United Nations is committed to fully supporting the Government of Afghanistan in implementing its National Development Framework and the corresponding budget process. In contrast with the previous year, the United Nations Transitional Assistance Programme for Afghanistan for the period January 2003-March 2004 will be grounded in a Government-led process and in the Government's priorities for the next 18 months. The process was conducted through consultation with the Cabinet, and ministers were encouraged to establish their own vision and priorities, supported by the Programme secretariats.

38. A visible sign of progress in Afghanistan can be found in the successful campaign to get children back to school. A Government of Afghanistan/UNICEF

survey has confirmed that more than 3 million children have enrolled in 6,500 schools. Girls make up 30 per cent of total enrolment. Of the 70,000 teachers, almost one third are women. The challenge is now to keep these children in school, to rehabilitate existing school buildings, to build new schools where they do not currently exist (many classes are held, literally, under a tree) and to improve the quality of teaching, including ensuring the payment of teacher salaries. Secondary schools and Kabul University are also functioning again.

39. Another sign of progress is the massive return of refugees to Afghanistan. The voluntary repatriation operation, the largest in the world for 30 years, has witnessed the return of some 1.7 million refugees to Afghanistan from (mainly) Pakistan, the Islamic Republic of Iran and the Central Asian States. Of these, about 1 million have returned to Kabul and Nangarhar provinces, and some 300,000 to Parwan, Baghlan, Kunduz and Kandahar. The repatriation process is led and coordinated by the Ministry of Refugees and Repatriation and the Office of the United Nations High Commissioner for Refugees (UNHCR) in partnership with the Ministry of Rural Reconstruction and Development, and the Ministry of Urban Affairs. The challenge remains to assist returnees in rebuilding their lives and educating their children in the communities of return. More than 400,000 internally displaced persons (IDPs) have also returned to their areas of origin. In spite of these returns, real difficulties are still faced by other IDPs such as Pashtuns waiting to return to their homes in the north which they left to escape persecution, and Kuchis (nomads) deprived of their means of livelihood. Many others whose home provinces are still affected by drought also remain unable to return. Humanitarian assistance and protection activities will therefore continue to be required for these groups for at least another year.

40. In the food aid and food security sectors, the most recent 2002 FAO/World Food Programme (WFP) Crop and Food Supply Assessment survey suggests that cereal production has improved by over 80 per cent in areas that were cultivated. Limited rainfall and reduced overall cultivation, however, will still leave a substantial food deficit in some parts of the country. Food availability and access will remain most problematic in chronically vulnerable areas such as the central highlands, Badakshan and Ghor province, and in the southern provinces such as Kandahar, Zabul, Paktia and Khost where the drought continues. In addition to targeted food aid, there is a need for sustained investment in the agriculture sector. During the period from July to September 2002, food-for-work (FFW) projects employed an average of over 1 million per month. Owing to resource shortages, new food-for-work projects are being postponed until further contributions become available.

41. The prolonged drought in Afghanistan is having a devastating effect on the underground water resources in 13 provinces bordering Pakistan, the Islamic Republic of Iran and Turkmenistan. A coordinated effort is taking place through the Ministry of Rural Reconstruction and Development, with the support of UNICEF and national and international non-governmental organizations, to provide new water sources and deepen dried-up wells for the affected population. During the present reporting period, a total of 55 sets of dug wells and hand pumps, 891 sets of bore wells and hand pumps, 217 bore wells, and 685 latrines have been provided to approximately 500,000 people in the drought-affected areas.

42. In the health sector, Afghanistan has made tremendous efforts to eradicate poliomyelitis and is well on the path to achieving that goal. Millions of children continue to be immunized through national immunization days. Some 6.3 million children between the ages of 6 months and 12 years (70 per cent of the target population) have been vaccinated against measles throughout Afghanistan. These efforts are led by the Ministry of Public Health with the support of the World Health Organization (WHO), UNICEF and all major non-governmental organizations. An ongoing survey by the Ministry of Public Health, supported by the non-governmental organization Management Sciences for Health (MSH) and WHO, will assist in addressing access to health services in areas that lack them.

43. Preparations for the approaching winter continue under the leadership of the Ministry of Rural Reconstruction and Development. The higher-than-expected return of refugees, and the risk of new displacements, remain of concern. There are some positive developments that will, it is hoped, help in responding to the specific dangers of winter. These include increased access to nearly all parts of the country, the flow of more money into the economy, the absence of large-scale conflict and an improved harvest. Under the leadership of the Ministry of Rural Reconstruction and Development, some 2 million people were identified as the most vulnerable in respect of their need of winter assistance, with a focus on the north, west and central highlands. Subject to the availability of resources, there is still time to expand cash-for-work schemes that target vulnerable groups and to meet the shortage in the food pipeline. With the approach of winter, there is being witnessed an outflow of people from Afghanistan to Pakistan, a trend also seen in previous years. The situation will continue to be monitored closely over the coming months.

44. On 22 July 2002, the Afghanistan Reconstruction Trust Fund (ARTF), jointly managed by the Asian Development Bank, the Islamic Development Bank, UNDP and the World Bank, succeeded the UNDP-managed Afghan Interim Authority Fund. ARTF covers the Government's recurrent budget, investment activities and programmes including quick-impact recovery projects, funding to support the participation of Afghan experts resident abroad in reconstruction efforts, and training programmes for Afghans. Contributions to date from donors have totalled some \$81 million, with an additional \$60 million expected. In early July, the Fund disbursed \$18.5 million to the Government's account to cover urgent recurrent expenditure needs for July and August 2002.

45. There has been some initial progress in information management and dissemination; however, much more needs to be done. The Afghanistan Information Management System (AIMS) is now co-located with the Government and is supporting the Administration in developing national information, vulnerability analysis and nutrition surveillance systems, as well as tracking donor support and aid flows. These functions were previously performed by the United Nations itself, and thus it is noteworthy that they are now under the aegis of the Government.

46. As regards the mobilization of resources through the United Nations Immediate and Transitional Assistance Programme for the Afghan People 2002 (ITAP), \$823 million has been committed since October 2001. Approximately \$810 million has actually been disbursed in Afghanistan this year. A further \$60 million in hard pledges is outstanding.

47. A meeting of the Implementation Group was held in Kabul on 12 and 13 October 2002. Chaired by the Ministry of Finance, the meeting included participants

from all sectors of the Government, United Nations agencies, non-government organizations and donors. It focused on a working draft of the National Development Budget presented by the Government, and also addressed humanitarian issues and coordination mechanisms for the donor community and development partners in Afghanistan. The draft national budget reflected a common set of priorities, articulated in a series of cross-cutting programmes including projects for education infrastructure, urban infrastructure, water resource investment, national governance infrastructure, and transport (major roads and airports), as well as a national solidarity programme. The budget will be finalized in the coming months through further consultations within the Government and with partners.

48. The Mine Action Programme for Afghanistan (MAPA) continues to carry out survey, clearance and risk reduction education activities throughout the country, and has expanded its operations into many areas previously inaccessible owing to fighting. Over the past six months the number of Programme personnel has grown from 4,500 to over 7,000, and much of the equipment lost during recent conflicts has been replaced. This has resulted in the clearance of over 4,250,000 square metres of minefields and over 20,000,000 square metres of former battlefields, and the destruction of over 300,000 mines and unexploded ordnance during 2002. At the request of the Transitional Administration, the Programme has developed a strategy to enable the Government to meet the obligations of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer to Anti-personnel Mines and on Their Destruction to which it acceded on 11 September 2002. (I am pleased in this regard to note that the Minister of Foreign Affairs, Abdullah Abdullah, presented the instrument of accession to the Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, in September.) This strategy will see all high-priority land cleared within five years, and all remaining land cleared in the following five. This will enable Afghanistan to fully comply with its treaty requirements, but will require constant donor funding if the objectives are to be achieved within this time frame.

VI. Mission support

49. Since the Loya Jirga, UNAMA mission support activities have focused on the assimilation of United Nations Special Mission to Afghanistan (UNSMA) and United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan (UNOCHA) personnel and equipment, and the consolidation of the premises, resources, and services utilized by UNAMA in Kabul and the regions. UNAMA and the Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat are cooperating on a complete inventory of all former UNOCHA assets as a preliminary to determining their distribution among eligible recipients. This effort will be completed by the end of October.

50. Priorities for mission support for the coming period include planning for the next major political milestones — the Constitutional Loya Jirga and the elections — and building capacity for Afghan staff to carry out UNAMA mission support activities. Integrated planning among the components of the mission is in progress to determine their support requirements through the end of December 2003. To enable as many Afghans as practicable to take over supporting functions and further reduce the United Nations footprint, suitable posts for conversion from international

staff to national staff are being identified. Simultaneously, technical and management training needs are being identified and developmental programmes implemented, to include English-language and computer literacy training.

51. At United Nations Headquarters, lead responsibility for UNAMA will shift at the beginning of November 2002 from the Department of Political Affairs to the Department of Peacekeeping Operations in conformity with the provisions of my report entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387), paras. 126-127. This shift has no implications beyond a rationalization of Secretariat functions as an integral aspect of the ongoing reform process. The Department of Peacekeeping Operations was involved in the management of UNAMA even while the Department of Political Affairs had the lead, and will continue to be very closely involved with Afghanistan, and specifically with UNAMA, after 1 November, particularly in providing policy guidance and expertise in electoral and constitutional matters.

VII. Observations

52. As the first anniversary of the signing of the Bonn Agreement nears, the broad features of the peace process in Afghanistan become more perceptible and the challenges ahead come into starker relief. The political environment is difficult. The attacks referred to in this report show that adversaries of the peace process have not renounced the use of violence as an instrument to destabilize the Government and prevent the consolidation of peace. They are actively trying to take advantage of popular frustration with the pace of reconstruction, continued insecurity, and abuses by the local commanders which have re-emerged in the wake of the fall of the Taliban. This effort by extremist elements is not aimless. The collapse of law and order between 1992 and 1995 was a key factor behind the Taliban's military successes in subsequent years.

53. In order to confront these threats, the leadership of Afghanistan, with the support of the international community have several tools at their disposal. One is reconstruction. The reconstruction of the physical, economic and social infrastructure of Afghanistan is critical to the viability of the peace process. The creation of jobs and new economic opportunities is needed to restore hope and confidence within the population at large. It is also needed to meet short-term goals of the peace process such as the resettlement of refugees and displaced people, demobilization and disarmament of soldiers and ex-combatants and control of the expanding poppy cultivation. In regard to the last-mentioned, I would urge the international community and the Government of Afghanistan to work together to implement a strategy that will combine eradication and surveillance with viable economic alternatives. The enormous task of reconstruction places a heavy burden on the Transitional Administration. To meet the challenge, the Administration will need to increase its effectiveness at national and sub-national levels and expand its resource base. The international community has an important role to play in assisting the Government. UNAMA and the United Nations system will therefore continue to give priority to strengthening the capacity of the Transitional Administration.

54. The Afghan Government and UNAMA are working together to accelerate the achievement of government capacity, to decentralize assistance and to develop subnational programmes tailored to the needs of individual provinces, and to ensure a more integrated and cost-effective contribution by the United Nations. The national authorities, with the support of the United Nations and other partners, are assuming an increasingly central role in the coordination of assistance. A number of United Nations personnel have been attached to government offices to support the administration in formulating its policies and activities. In the coming months, this support should be further refined, in consultation with the Government, with an overall capacity-building plan that focuses on civil service reform, and the increasing decentralization of United Nations assistance, integrated at the provincial level.

55. Notwithstanding these signs of progress, the Government, regrettably, remains very much under-resourced. The total needs of a country recovering from over two decades of conflict, destruction and drought outstrip even the \$1.8 billion generously pledged at the donor conference held in Tokyo on 21 and 22 January 2002 (see A/56/801-S/2002/134, annex, para. 15).

56. One of the most visible signs of hope in Afghanistan is also a factor productive of great stress on the fragile economy and on Afghanistan's ability to recover. I refer to the expectedly large number of refugee returns. I join the Government and people of Afghanistan in expressing once again our gratitude to the Governments of those countries that, for many years, have generously hosted Afghan refugees. Pakistan and the Islamic Republic of Iran have borne most of this heavy burden and their hospitality deserves to be recognized once again. We appeal to them to be patient and to show further understanding towards their neighbour, Afghanistan, as it struggles to take the necessary measures to absorb its returnees.

57. Improved security is a precondition for a successful reconstruction effort. Local militias prevent civilian administrators from fulfilling their tasks, extort tribute from farmers and businessmen and engage in factional fighting which displaces the local population and creates an environment where human rights are easily abused. The creation of national security forces — both army and police — and the strengthening of the justice system are key to the restoration of law and order. The international community has made a commitment to help with the establishment of these new security and law and order institutions; but the success of that undertaking depends first and foremost on the commitment of the major factions that have established a military presence extending over various parts of the country. It is primarily their responsibility to set aside short-term factional interests, prevent the existing divisions among them from driving the country again into lawlessness, and enable the country instead to equip itself with effective, unified national forces. Needless to say, the restoration of security also depends on international assistance. I therefore urge the international community to support this vital sector, the reform and development of which has the potential to provide Afghans with their fundamental right to security.

58. In the short term, the international community, working with Afghan counterparts, can take measures to effectively improve security conditions. Nowhere has this been more concretely demonstrated than in Kabul, where

ISAF patrols regularly and with excellent results. I continue to believe that an expansion of ISAF is the best available instrument to improve security across Afghanistan. Afghans from all regions and all walks of life continue to request this. As my Special Representative informed the Security Council in July: "The expansion of ISAF would have an enormous impact on security and could be achieved with relatively few troops, at relatively little cost, and with little danger to those troops."

59. This leads to the political dimension of the peace agenda. A primary goal of the Bonn process was the establishment of a fully representative government. The Emergency Loya Jirga and the establishment of the Transitional Administration have addressed some of the shortcomings of the Interim Administration from the point of view of representation; and the 2004 elections are expected to provide an opportunity to complete that process. In the meantime, however, distrust continues to affect the relationship between the central Government and sectors of the population that perceive themselves as disenfranchised under the current dispensation. This estrangement from the political process is of particular concern among Pashtuns, both in the north and in the south. More broadly, it is a fact that the task of political reconstruction of the country has been made more difficult by the legacy of deepened ethnic fractures left by the 10-year civil war. Here, too, it is incumbent upon Afghan leaders, within and outside government, to send a strong signal to Afghan society of their determination to work together, regardless of ethnic background and political affiliation, to see the country through this very delicate phase of its history. And, in turn, we in the international community should send to the Afghan leadership and the Afghan population at large a strong signal that, at this critical juncture, we are equally determined to remain at their side.

60. Finally, I would like to once again commend the efforts of my Special Representative, Mr. Lakhdar Brahimi, and of his staff. The period since the last report has, as described above, been a period of instability in which the international community has been increasingly attacked. Their courage and forbearance under these conditions, and their ability to continue to work diligently and effectively despite these conditions, are commendable.

**Security Council**

Distr.: General
21 October 2002
English
Original: French

**Letter dated 9 October 2002 from the Secretary-General
addressed to the President of the Security Council**

The mandate of my Special Representative for the Great Lakes region, Mr. Ibrahima Fall, will expire on 31 December 2002. You will recall that I appointed Mr. Fall to that post in July 2002 to succeed Mr. Berhanu Dinka who was appointed as my Special Representative for Burundi (S/2002/719).

Since his appointment, Mr. Fall has pursued consultations on the International Conference on the Great Lakes, building on the efforts of his predecessor, on the basis of the concept paper I had provided to the leaders of the region. Those consulted included the African Union, regional and international organizations and interested and concerned countries. On the basis of those consultations, Mr. Fall will finalize the concept paper and submit to me his assessment and proposals concerning the way forward.

In view of this, it is my intention to extend the mandate of my Special Representative for the Great Lakes region until 31 December 2003. I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Kofi A. Annan





Security Council

Distr.: General
21 October 2002
English
Original: French

Letter dated 18 October 2002 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 9 October 2002 (S/2002/1174) concerning your intention to extend the mandate of Mr. Ibrahima Fall as your Special Representative for the Great Lakes region until 31 December 2003 has been brought to the attention of the members of the Security Council. They have taken note of your intention and look forward to receiving the assessment and proposals referred to in your letter.

(Signed) Martin **Belinga-Eboutou**
President of the Security Council





Security Council

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21 October 2002
English
Original: French

**Letter dated 18 October 2002 from the Secretary-General
addressed to the President of the Security Council**

I have the honour to transmit herewith a letter dated 16 October 2002 from the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina addressed to the Secretary-General (see annex).

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(Signed) Kofi A. Annan



Annex

**Letter dated 16 October 2002 from the High Representative
for the Implementation of the Peace Agreement on Bosnia
and Herzegovina addressed to the Secretary-General**

[Original: English]

I have the pleasure to transmit to you the twenty-third report on the activities of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina. This is my first report to the Security Council.

I would like to thank you for your support and the support of your office in Bosnia and Herzegovina.

(Signed) Paddy Ashdown

Enclosure**Report by the High Representative for the Implementation of the Peace Agreement to the Secretary-General****8 May-11 October 2002**

Pursuant to Security Council resolution 1031 (1995) of 15 December 1995, in which the Council requested the Secretary-General to submit reports from the High Representative in accordance with annex 10 of the Peace Agreement and the Conclusions of the London Peace Implementation Conference of 8 and 9 December 1995, I herewith present the twenty-third report.

Summary

1. I took over as High Representative on 27 May 2002. I have made clear that, building on the work of my predecessor, my aim, during my term of office, is to set Bosnia and Herzegovina (BiH) irreversibly on the road to statehood within the European Union (EU). My priorities are the rule of law and jobs — priorities that I strongly believe, not just from the evidence of opinion polls, but, more importantly from my contacts with people across the country, match those of the people of BiH. I have described my policy as “first justice, then jobs through reform”. I am also working to improve the functioning and effectiveness of BiH's key governing institutions, and ensure that they can depend on more reliable funding arrangements. I have recently put forward proposals to this effect, under the overall heading “Making BiH Work”.
2. We have started to make progress. In the area of rule of law, I am setting up a new Serious Crimes Unit (SCU) within my Office, to deal with crime and corruption and have begun the process of restructuring the BiH court system at all levels. I have also established a new Legal Reform Unit, established the High Judicial and Prosecutorial Councils, and set up a Special Chamber in the State Court and a Special Department in the BiH Prosecutor's Office.
3. On 23 September, the Steering Board of the Peace Implementation Council (PIC) adopted the reform programme presented to them by the BiH authorities and the International Community (IC) agencies based in Sarajevo. Together with the economic targets endorsed on 31 July, these commitments for the Jobs and Justice agenda, which is binding on both the IC and present and future governments of BiH.
4. In the economic reform area, the State Law on Civil Aviation, the Entity Electricity Laws, the Federation Law on Concessions, the Entity Laws on Banks, and the State Veterinary Law have all been passed.
5. The Civil Service Law was imposed on 23 May and the first head of the Civil Service Agency, a Bosnian citizen, has been appointed.
6. Political life has been dominated by the 5 October elections, the first to be organized and run by the BiH authorities. They were peaceful and very well run. The fact that turnout was disappointing reflected disillusionment with repeated elections, the lack of time for governments in power to make a difference, a widespread frustration with the slow pace of change in BiH, and disenchantment with the political process in general. It was not, I believe, a vote for nationalism (the

votes of two of the three main nationalist parties went down). Instead, it was a protest against the lack of progress in implementing reform, which saw governing parties punished harshly by the electorate. Unfortunately, only 54.68 per cent of eligible voters went to the polls. Young people in particular did not vote.

7. The process of government formation at every level is now beginning, and I have made clear that the IC will judge incoming governments by their commitment to reform. The composition of the next government must be based on programmes and actions, rather than personalities and individuals. Accordingly, I have set out a number of tests by which we will be able to judge the seriousness of parties' intentions to implement key reforms.

Report

I. Introduction

1. This is my first report to the United Nations Secretary-General since taking over as High Representative on 27 May 2002. I will take the opportunity to set out my priorities for my term of office, as well as to review developments during the reporting period.

II. My priorities as High Representative

2. I said in my inaugural speech to the BiH Parliament that my goal as High Representative would be to set BiH irreversibly on the road to statehood within the EU, and that my priorities would be to achieve justice and jobs through reform.

3. From my first day in office, and building on the work of my distinguished predecessor, Wolfgang Petritsch, I have placed special emphasis on establishing the rule of law.

4. Without the rule of law, BiH has no prospect of attracting inward investment on a substantial scale, or of making progress in its ambitions to join the EU. There is a crucial relationship between establishing the rule of law and generating jobs which is not always as well appreciated as it needs to be both inside BiH, and indeed, within the rest of the Balkan region.

5. I fully intend to maintain the priority I have given to the rule of law. But I am also determined to move forward with economic reform at an increased pace, and with measures to improve the operational effectiveness of BiH's governing institutions, all under the general theme of Making BiH Work. We have no option but to increase the pace of reform.

6. Furthermore, on 23 September 2002, the BiH authorities, together with Political Directors of the Peace Implementation Council (PIC) Steering Board, agreed on the "Jobs and Justice" agenda. This document is a contract between BiH and the IC and is binding on all BiH authorities. We have made it clear that we will expect all incoming governments to implement this reform agenda.

7. I said plainly to the people of BiH and their leaders that the country now has no option but to steepen the gradient of reform if it is not to get left behind by the rest of the region. There is a real risk of that happening if we cannot turn the dynamic of obstructionism into one of reform.

III. The rule of law

8. As I indicate above, I said when I arrived in Sarajevo that my priorities would be first justice, then jobs, through reform. Building on the work of my predecessor, we have made progress in the last few months. We have, for example, put the international community's efforts on a new footing, placing a new emphasis on the rule of law in the way we organize ourselves.

9. In summary, we have taken or are taking the following steps:
 - We are setting up a new Unit to tackle crime and corruption, which, once fully operational, will work with local investigators to identify the lawbreakers and bring them to court.
 - We have established a new Legal Reform Unit, headed, and almost entirely staffed by, Bosnians, to work with the BiH authorities on new laws to bring criminals to justice.
 - We have begun, with the authorities of Bosnia and Herzegovina, the long-overdue process of restructuring the BiH court system at all levels, and ensuring that only capable and honest judges are allowed to administer justice in the future.
 - We undertook to have the High Judicial and Prosecutorial Council established by the autumn, and have done so.
 - We promised to establish a special chamber in the State Court, and a Special Department in the BiH Prosecutor's Office. And we have kept that promise. The new State Court will be operational on 1 January 2003.
 - And, in cooperation with UNMiBH/IPTF, we are making good progress on establishing the State Information Protection Agency, on certifying the police and on training special police units capable of taking on organized crime.
10. I set out below in greater detail the actions we have taken.
11. Shortly before he left, my predecessor, Mr. Petritsch, issued Decisions establishing the Law(s) on the High Judicial and Prosecutorial Council of BiH, the RS, and the Federation. These Councils are charged with the appointment of all judges and prosecutors in BiH, and are responsible for conducting disciplinary proceedings against judges and prosecutors.
12. In June 2002, my Office proposed to the BiH Parliament draft Laws to strengthen the criminal justice system by establishing Special Panels in the Criminal and Appellate Divisions in the Court of BiH for Organized Crime Economic Crime and Corruption. The Law on the Office of the Prosecutor of BiH with a Special Department for Organized Crime Economic Crime and Corruption was also proposed. Parliament was requested to adopt these essential tools against crime and corruption before summer recess. The Political Directors of the PIC Steering Board at their 31 July 2002 meeting also endorsed these goals.
13. I also put in place the Law on Amendments to the Law on Court of BiH, and the Law on the Office of the Prosecutor of BiH, in August 2002. In coordination with the national authorities, my Office's Criminal Investigation and Prosecutorial Reform Unit (CIPRU), aims to have these institutions established and functioning in early 2003. (Unfortunately, the Criminal Code and Criminal Procedures Code were before the BiH Parliamentary Assembly when time ran out before the elections.)
14. In mid-August IJC issued vacancy notices for positions in the restructured Court of the BiH, Prosecutor's Office of BiH, RS Supreme Court, RS Constitutional Court, RS Prosecutor's Office, Federation Supreme Court and the Federation Prosecutor's Office. At the time of writing, 276 applications had been received for some 100 positions. The domestic and international members of the High Judicial

and Prosecutorial Councils (HJPC), who took up their work on 2 September, will be charged with reselecting judges and prosecutors to these judicial posts.

15. In August, after consultation with the domestic authorities and prosecutors throughout the country, I issued Decisions harmonizing the prosecutorial systems in the Federation of BiH and its ten Cantons, as well as in the Republika Srpska. The Decisions set up a more efficient, professional and modern prosecutorial system across BiH by making it possible for prosecutors to specialize in specific types of cases.

16. On 23 September 2002, the BiH authorities presented a joint judicial reforms programme to the Political Directors of the Steering Board of the Peace Implementation Council (PIC). Together with the economic reform targets agreed at the 30 July meeting (discussed below), this programme forms the "jobs and justice" agenda, and represents the contract on rule of law matters between BiH and the IC. Key pledges include:

- Ensuring respect for the Rule of Law by Government and Parliament
- Creating a legal framework based on an integrated justice system that works in the interests of citizens and business
- Fully supporting an efficient and effective justice system
- Giving the criminal justice system (police officers, prosecutors, and judges) the tools to fight crime and corruption.

IV. Jobs

17. There is no doubt that BiH faces a number of serious economic problems. Donor contributions are falling, foreign and domestic debt is increasing, and there is little or no foreign investment to fill the gap. By next Spring, BiH could be in the grip of a severe domestic debt crisis. The country is racing against time, and there is no choice but to increase the pace of economic reform.

18. A great deal of important work has been done in the past few months. The State Law on Civil Aviation, the Entity Electricity Laws, the Federation Law on Concessions, the Entity Laws on Banks, and the State Veterinary Law have all been passed. But, BiH still needs a number of others, including the Law on Communications, the Law on Statistics, and the Law on Land Registry Books.

19. On 30 July 2002, the BiH authorities and IC organizations based in Sarajevo, represented by my Office, presented a joint economic reform programme to the Political Directors of the PIC Steering Board. In response to the poor state of the BiH economy, with low salaries, high unemployment and a lack of future prospects for young people, representatives of the Council of Ministers, along with both Entity Prime Ministers, committed their governments to undertaking a broad range of specific measures. These measures are intended to:

- improve the business environment
- make the government more efficient
- guarantee the free movement of goods, people, services and capital in order to establish a single economic space

- deliver high-quality utilities and public services
- provide an affordable safety net for the elderly and vulnerable.

20. The programme sets out specific objectives and milestones that the government at both State and Entity levels will strive to achieve, with coordinated international support, and represents the "contract" on economic matters between BiH and the IC.

21. The process of economic reform and institution building continues to face many challenges, particularly in the RS. Continued opposition by RS politicians to the establishment of a single economic space in BiH has continued to represent an obstacle not only to the development of the Entity itself, but also to BiH as a whole. Furthermore, under the current system, politicians, even when excluded from political functions as a result of Decisions, can continue to exercise political influence through economic activities such as control of public companies in strategic sectors.

22. However, concrete progress has been made in a number of areas during the reporting period. These include:

Tax and Fiscal Structure

23. Following the introduction of the excise tax allocation mechanism and removal of double excise taxation in July 2002, it became easier and less costly for wine and beer producers (and other manufactures and traders in excisable goods) to do business inside BiH.

Electric power

24. A major milestone in successful completion of the reform of electricity sector has been passed with the completion of the legal framework. As mentioned above, the state level law, the Act on Transmission of Electric Power, Regulator and System Operator of BiH as well as both FBiH and RS Electricity laws were adopted during the reporting period.

25. These laws must now be implemented. The first step in that process is the formation of several state and entity regulatory agencies. The development and implementation of this new regulatory system for the new industry and market arrangements is critical for long-term success. The public, as well as private business, should also benefit from lower electricity costs.

Telecommunications

26. Since submission of the last report, my Office has worked to increase legal certainty in the sector and create favourable conditions for future privatization. The regulator for telecommunications and broadcasting, the Communications Regulatory Agency, issued licenses to all three fixed line network operators and providers of network facilities in June 2002, thereby determining their rights and obligations in a transparent and non-discriminatory manner. The issuance of the countrywide licenses is also an important step towards establishing a single economic space in this market since it allows the operators to provide their services throughout the whole country. Competition should result in reduced costs for both businesses and individuals.

Transportation

27. With efforts to rehabilitate the transportation infrastructure now largely completed, attention is now turning towards establishing the necessary legal and regulatory frameworks required to manage operations in a competitive market. My Office, in cooperation with the local authorities and international financial institutions, has established working groups for the development of new state level railway and road laws. An amendment to the aviation law enabling more efficient management structure for the Department of Civil Aviation, passed in August 2002, will help to improve the working of this important regulatory body and its transition from military to civilian control on 31 December 2002.

28. Finally, the International Framework Agreement on the Sava River Basin was finalized on 6 September in Brcko. This agreement will regulate all aspects of sustainable water management including equitable utilization of the waters, navigation, provision of water in sufficient quantity and of appropriate quality, protection of aquatic ecosystems, protection against detrimental effects of water, and effective control of the water regime. As part of the Agreement, the parties shall establish an International Sava River Basin Commission.

Public Administration Reform

29. During the reporting period, we have continued efforts to eliminate patronage and establish a professional, apolitical and merit-based civil service sector in accordance with European standards. Immediately after the State-level Civil Service Law was imposed on 23 May 2002, the Council of Ministers confirmed the appointment of the first Head of the Civil Service Agency, a Bosnian citizen. My Office is working closely with other partners of the IC and the domestic authorities to make the new Agency fully operational as soon as possible.

30. In close cooperation with the domestic authorities, I have also started to look at how to implement fully some of the most difficult aspects of the 19 April 2002 constitutional amendments in the area of public administration. A special expert-level working group has been set up which started to discuss ways of introducing proportional representation of all constituent peoples in all public institutions and ministries at the level of both Entities and below (since the Civil Service Law and the Civil Service Agency apply only to the State institutions of BiH).

31. In my inaugural speech to the BiH Parliamentary Assembly, I outlined my view that the absence of rule of law, in particular as it relates to financial crime and corruption, poses the single most serious threat to the economic and social welfare of BiH. Soon after my arrival, I faced a practical demonstration of the seriousness of the problem, and its implications for both public life and economic activity in BiH, in the form of the so-called "Am-Sped Affair".

32. This financial scandal, which involved the fraudulent transfer of KM 1.7 million (approximately US\$ 800,000) of public funds into private hands, left me with no option but to remove Federation Deputy Prime Minister and Minister of Finance Nikola Grabovac from office on 14 June 2002. Although the Decision in no way reflects criminal responsibility, since Grabovac has the right to due process before the courts, he had clearly failed to exercise his political responsibility to supervise actively his Ministry and perform the duties of Minister of Finance effectively.

V. The Political Environment

33. Throughout the reporting period, the 5 October elections and preparations for them dominated political life in BiH.

34. By 18 May, the deadline for applications, 57 political parties, nine coalitions, and three independent candidates had registered to participate in the elections.

35. These elections were the first to be organized and run by the BiH authorities rather than the OSCE. They did so extremely successfully. The elections were efficiently organized and almost wholly free of violence.

36. The peaceful and orderly conduct of the election itself was praised by the OSCE's Office of Democratic Institutions and Human Rights (ODIHR), which observed the entire process from campaign to counting. The BiH Election Commission functioned well, and is an example of BiH institution at its best.

37. In the run up to polling day, international representatives in BiH, including myself, put a great deal of effort into encouraging electors to turn out and vote. I travelled the length and breadth of the country with a Get Out the Vote message.

38. In the event, turnout — at 54.68 per cent, compared to 64.4 per cent in 2000 — was not as high as we would have wished. Young people in particular did not vote.

39. Representatives of the nationalist SDA, SDS, and the HDZ, won the Bosniak, Serb, and Croat seats in the three-member BiH Presidency. At the State level, and in the elections for the Entity parliaments, the HDZ and SDS saw their vote drop slightly, while the SDA increased its vote by five percentage points. The SDP, which was the central party in the Alliance that had governed at State and Federation level, lost the biggest share of votes when it dropped from 27.3 per cent to 16.2 per cent.

40. Much has been made of these results, which have been widely seen, especially in the international press, as a swing back to nationalism. I do not share that analysis, for a number of reasons.

41. I believe that the low turnout represented a protest vote or, more accurately, a protest non-vote at the slow pace of reform in BiH, directed above all at punishing the parties that have been in government for the last two years.

42. But it was not a vote for a return to the nationalism of a decade ago. The situation in the rest of the region — while still prone to bouts of instability — is dramatically different. Milosevic and Tudjman are gone, and the apparatus over which they presided are all but dismantled. Of the three main nationalist parties contesting the BiH elections, two — on the figures available at the time of writing — saw their votes decline, and it looks as if the overall vote for nationalist parties will be lower than at the last elections. BiH voters are, of course, far from unique in punishing a reformist government at the polls: that has been the pattern across most of central and eastern Europe. Ironically, BiH's last government was voted out not for being too radical in pursuing reform, but not radical enough.

43. I am convinced — from my extensive travels around the country — that most people in BiH desperately want what most people everywhere want: a job, decent schools and hospitals, the rule of law, and a public administration that functions properly and serve the people. They are frustrated at the slow pace of change, and disillusioned with their political leaders of every hue. One encouraging sign,

however, is that this election was not dominated by nationalism, but by reform. That was the theme of all the main parties' messages, not nationalism.

44. The — perhaps lengthy — process of government formation at every level is now beginning. I have made clear that the international community will judge incoming governments by their commitment to genuine reform; we will assess performance by deeds, not words. The formation of the next governments must focus on programmes and actions, not personalities and individuals. I have made clear that the old parties have a huge job to do to convince a widely skeptical audience — both within BiH and outside — that they are serious about reform.

45. I strongly believe that role of the international community in the coming weeks should be to spell out clearly the sort of changes this country needs if it is to attract foreign investment and one day meet the standards for European Union membership.

46. I have set out six "tests of seriousness" by which we will be able to judge parties' commitments to reform. These include:

- Reform the Council of Ministers to give us stable, effective government
- Reform the revenue system by beginning the process of establishing VAT at the State level and reforming customs
- Reform the political system by establishing Parliamentary Commissions to act as "ethics watchdogs"
- Reform the business environment by rationalizing taxation within BiH borders
- Reform the criminal justice system by making the State Court operational by 31 December and by supporting newly appointed judges and prosecutors
- Reform the public service by adopting and implementing civil service laws and ensuring that civil service appointments are merit based.

Recent Decisions

47. In an effort to clear the way for a new beginning after these elections, and to finish the work of the last government, I issued a number of Decisions on 6 October. Among them were amendments to the immunity laws which will bring BiH practices in line with European standards by restricting the scope of the immunity provisions, and ensuring that they can only be invoked in respect to actions carried out strictly in the scope of official duties. The amendments also limit the number of officials covered by immunity. I took care to announce this step, as part of my commitment to improving ethics and responsibility in public life, before the results of the elections were known, in order to any suggestion that the changes were aimed at a particular politician or political grouping.

48. I also gave the force of law to the constitutional amendments agreed by political parties during my predecessor's tenure in March 2002, and imposed in April in both the Federation and the RS. The Cantonal Governments have now been brought into line with the Constitutional Court's July 2000 ruling.

Security and Defence

49. In spite of the uncertainty of the pre-election period, my Office has made a number of advances in the Security and Defence area. Better coordination with both

the Armed Forces of BiH and the IC has been achieved through the merger of my Office's Military Cell with the Department of Security Cooperation at the OSCE Mission in BiH. One major accomplishment was the reduction in the Entity Armed Forces, which was driven by the OSCE with full International Monetary Fund (IMF) support. The Federation Armed Forces are now at 13,200, and the RS Armed Forces will be at their new level of 6,600 by early 2003, as mandated by the BiH Defence Policy Document. Further work continues to ensure the Armed Forces of both entities are affordable and appropriately manned.

50. In addition, following the Presidency decision on the revised Standing Committee on Military Matters (SCMM) structures, including the establishment of the position of Secretary General, a Secretariat and Military Commission, a great deal of work continues on terms of reference and mechanisms for state level defence. Ultimately, with the cooperation of the new Presidency, these efforts should bring BiH a step closer to its ultimate goal: participation in NATO's Partnership for Peace programme.

51. Finally, a new three-person De-mining Commission as well as a new Director of the BiH Mine Action Centre has been appointed. This is good news for the development of BiH's Mine Action Strategy.

Srebrenica

52. On 11 July 2002, I attended the commemoration of the 7th anniversary of the Srebrenica massacre in Srebrenica-Potocari. The event took place at the site of the planned memorial and cemetery for the victims of the July 1995 Srebrenica massacre. The first sample of the headstone was laid and unveiled at the site.

53. The Foundation of Srebrenica-Potocari Memorial and Cemetery continues to work with the Family Associations to implement the development of the designated site. I am strongly committed to these efforts and to continuing to chair the Executive Board of this Foundation, established during my predecessor's time in office.

54. My Office continues to support and coordinate work on the memorial project. On 9 July 2002 a tender for the concept design and construction was published, and on 18 September the Executive Board approved the concept design as agreed by the Selection Jury. A groundbreaking ceremony — a private occasion involving religious officials and members of the Families — took place on 11 October.

BiH in the Region

55. On 15 July, the first Summit of the Heads of State of BiH, the Republic of Croatia (RC) and the Federal Republic of Yugoslavia (FRY) took place in Sarajevo. This meeting was an important step towards regional cooperation, and concluded with a joint declaration by the three Presidents reaffirming, inter alia, the principles of inalterability of the borders, constructive support for BiH's statehood and further improvements in regional cooperation.

56. A series of high-level exchanges took place during the reporting period. These included Foreign Minister Lagumdzija's 14 September meeting in New York on the margins of UNGA, with his counterparts from Croatia and the FRY. In addition, on 17 June in Sarajevo, BiH and Croatia signed a Treaty on co-location providing the legal framework for the functioning of jointly operated border-crossing points. This

development enabled the long-awaited opening of the border crossing of Kostajnica. Similar negotiations continue between BiH and the FRY on pending issues related to the State border (leading, for example, to the initiating of an agreement on the determination of border crossings) and the draft agreement on dual citizenship. Against this background, the statement attributed to President Kostunica at a rally in Mali Zvornik on 7 September, during the election campaign for the Serbian Presidency, according to which the Republika Srpska was only temporarily separated from Serbia, was highly regrettable. I drew attention to the clear commitments made by the Yugoslav authorities, including President Kostunica himself during his Sarajevo visit, to BiH's sovereignty and territorial integrity. The Secretary General of the Council of the European Union and High Representative for Common Foreign and Security Policy, Dr. Solana, also made a statement in which he underlined the inviolability of BiH's borders and the importance of ensuring that its sovereignty and territorial integrity were fully respected.

International Criminal Tribunal for Yugoslavia (ICTY)

57. In May 2002, a team of four experts in the field of war crimes hired by my Office issued their report identifying the Court of BiH (the State court) as the suitable domestic institution to deal with war crimes cases either referred from ICTY or initiated domestically. The consultants made specific recommendations and suggestions both in terms of legislation as well as practical aspects to enable the Court to fulfil this task. CIPRU will be working to implement the report's recommendations, including the establishment of an International Humanitarian Law Division within the Court of BiH. My overall reform strategy, and implementation of the rule of law targets, will ensure that ICTY's current concerns with the BiH judicial system with respect to war crimes prosecutions will be addressed.

VI. Returns

58. The number of refugees returning continues at a high level. According to UNHCR statistics, the total of registered returns to and within BiH has risen in the course of 2002 from around 820,000 to well over 880,000. The total for the first seven months of 2002 is higher than for the same period in 2001, promising an overall number of returns equivalent to, if not higher than, the nearly 100,000 registered by UNHCR in 2001. The fact that more real people are deciding to return home is an important sign of the success of the Return and Reconstruction Task Force (RRTF), co-chaired by my Office and UNHCR.

59. The Property Law Implementation (PLIP) statistics have risen from a 2001 total of 49 per cent of claims implemented in December last year, to nearly 60 per cent resolved by the month of August, i.e., nearly twice as many as last year, with another four months to go. However, with well over 100,000 property claimants still denied return to their homes, nearly seven years after the Dayton Peace Accords, the PLIP agencies (UNHCR, OHR, OSCE, Commission for Real Property Claims, UNMiBH) launched a New Strategic Direction on 12 September 2002. This initiative demands stricter adherence to the property laws: notably greater transparency in claims processing, respect for the legal requirement for chronological processing of claims, and a tougher line on evictions.

60. There is a strong regional dimension to the returns issue. Currently, 21,000 Croatian Serbs with refugee status are still present in BiH, in many cases occupying Bosniac- or Croat-claimed property in the RS. Their return to Croatia is prevented by the continuing lack of facilitating property legislation in that country — in particular the lack of legislation enabling the return of socially owned property. This population is an added burden on the BiH authorities, since it adds to their already pressing obligations to provide alternative accommodation for people who must leave claimed property, in accordance with the property laws. My Office continues to work to convince the Croatian government of the urgent need to ensure the rights of this refugee population are honoured in the same way as we have required of the BiH authorities.

VII. United Nations Mission in BiH (UNMiBH)

61. I would like to take this opportunity, as the United Nations Mission in BiH (UNMiBH) prepares to complete its mandate at the end of this year, to place on record my Office's warm appreciation for its dedication to the cause of peace in BiH over many years; for their staunch support to our joint endeavours; and for the personal contribution of the outgoing SRSG Jacques Paul Klein. UNMiBH is the first United Nations mission in BiH to complete its mandate, which included police certification, accreditation, expansion of the State Border Service to take full control of BiH's borders, and unification of the Mostar city police. Our work to build a permanent peace in BiH would simply not have been possible without the contribution of the United Nations Mission in this country.



Security Council

Distr.: General
21 October 2002

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**Letter dated 18 October 2002 from the Permanent Representative
of the Republic of Angola to the United Nations addressed to the
President of the Security Council**

I have the honour to forward herewith a copy of the final communiqué of the Summit of the Heads of State and Government of the Southern African Development Community (SADC), which took place in Luanda from 1 to 3 October 2002, and to request that the document be circulated as a document of the Security Council (see annex).

(Signed) **Ismael A. Gaspar Martins**
Ambassador
Permanent Representative



Annex to the letter dated 18 October 2002 from the Permanent Representative of the Republic of Angola to the United Nations addressed to the President of the Security Council



2002 SADC SUMMIT FINAL COMMUNIQUÉ

The Summit of Heads of State and Government of the Southern African Development Community (SADC), met in Luanda, Angola on 1-3 October 2002, and was chaired by His Excellency, Mr Eduardo Jose Eduardo dos Santos, President of the Republic of Angola.

1. The Heads of State and Government of SADC present at the Summit were:

Angola	H.E. President Jose Eduardo dos Santos
Botswana	H.E. President Festus G. Mogae
Democratic Republic of Congo	H. E. Joseph Kabila
Malawi	H.E. President Bakili Muluzi
Mozambique	H.E. President Joaquim Chissano
Namibia	H.E. President Sam Nujoma
South Africa	H.E. President Thabo Mbeki
Swaziland	H. M. King Mswati III
United Republic of Tanzania	H.E. President Benjamin W. Mkapa

Zambia

H.E. President Levy Mwanawasa

Zimbabwe

H.E. President Robert G. Mugabe

2. The Head of State and Government of Lesotho was represented by Hon. Deputy Prime Minister Lehohla; that of Mauritius by Hon. Deputy Prime Minister Paul Berenger; and that of Seychelles by H.E. Peter Sinon, High Commissioner of Seychelles to South Africa.
3. Also in attendance were the President of the African Development Bank, H. E. Omar Kabbaj, the Interim Chairperson of the African Union Commission, H.E. Amara Essy, the Assistant Secretary General of the Common Market of Eastern and Southern Africa, Mr Sindiso Ngwenya and the Director of the UN Economic Commission for Africa, (ECA) Regional Office for Southern Africa, Mr Robert Okello.
4. In his address to the opening session of the Summit, the outgoing SADC Chairperson, H.E. Bakili Muluzi, President of the Republic of Malawi, described 2002 as a historic year for the region as epitomised by the peace and stability in Angola, the withdrawal of troops from the DRC, the launch of the African Union and the hosting of the World Summit on Sustainable Development. President Muluzi also spoke about the need for sustainable development and emphasised that it required acknowledging people and putting them at the centre of development policies. He called for the empowerment of all peoples, particularly women and the poor in order for them to play a meaningful role in the management of the region's abundant natural resources.

5. The incoming Chairperson of SADC, H.E. Jose Eduardo Dos Santos, President of the Republic of Angola and host of the 2002 Summit, extended a warm welcome to SADC Heads of State and Government, and other delegates to Angola. He noted that the Summit was taking place at the time when Angola had achieved peace and stability. He noted that SADC had to define the correct strategy for the also harmonisation of macroeconomic policies bearing in mind the need for regional economic growth and the potential of each country. President Dos Santos called on SADC to pay special attention to women within the context of human development, especially in the area of education as it has been proven that higher literacy among women contributes to the reduction of child mortality.
6. In his address to the Summit, the President of the African Development Bank, His Excellency Omar Kabbaj said that SADC holds the promise of achieving rapid and sustainable development as a result of the commitment of its members to regional cooperation and integration. He noted that SADC had made significant progress in drawing up effective plans for the exploitation of common resources and for the development of regional infrastructure projects.
7. In his remarks, the Executive Secretary of SADC, Dr Prega Ramsamy noted that with peace and stability in SADC, the prospects for enhancing and consolidating the integration process were now brighter. He indicated that substantial progress had been achieved in the Restructuring of SADC Institutions, a process aimed at consolidating and deepening the SADC integration agenda. He also highlighted the inclusiveness aspects of the exercise.
8. The official opening of the Summit also witnessed the announcement of the winners of the 2002 Regional Secondary Schools Essay Competition, the theme of which was natural resources and the environment in the context of sustainable development. The first prize was awarded to: Vicky K Luchman of Mauritius, the second prize to Melissa Meyer of Namibia and the third to Kagiso Jani of Botswana.

9. Three media practitioners received certificates and prizes for having contributed the best printed work to the first SADC Media Award Competition. They are Raphael Mweninguwe from Malawi, Ellen Chikale from Zambia and Takawira Musara from Zimbabwe.
10. The official opening session also witnessed the ceremonial handover of the chairpersonship from His Excellency, Dr Bakili Muluzi, President of the Republic of Malawi to His Excellency President Jose Eduardo Dos Santos. Summit also elected President Benjamin Mkapa of the United Republic of Tanzania as Deputy Chairperson of SADC.
11. Summit unanimously re-elected President Joaquim Chissano, President of the Republic of Mozambique as Chairperson of the Organ on Politics, Defence and Security Cooperation for a further one-year term and the Prime Minister of the Kingdom of Lesotho, Prof. Pakalitha Mosisili as the Deputy Chairperson.
12. On the political situation, Summit expressed satisfaction that a new era of peace and stability had dawned in the region with the ceasefire agreement signed in Angola in April 2002 and a number of power-sharing and ceasefire agreements signed between the Government of the DRC and other parties to the DRC conflict.
13. Summit received a briefing from the Government of Angola on the latest military and political developments in the country. It was indicated that fighting had stopped completely in the entire country since the signing of the peace agreement on April 4, 2002. So far, 5, 000 former UNITA soldiers have been integrated into the national army and police, UNITA has been de-militarised and is now a political party and demobilised soldiers have been integrated into society and some are being trained for civilian jobs.
14. Summit welcomed with satisfaction the return of peace in Angola, which represents an added value to the stability of the Southern and Central African regions as well as of the African continent as a whole. It commended the Government and the People of Angola for embracing the spirit of national reconciliation and, in particular, His Excellency President José Eduardo dos Santos for his demonstrated magnanimity and encouraged the people of Angola

to pursue the path of peace. In this regard, Summit welcomed the Angolan Government's decision to hold elections in 2004.

15. Summit acknowledged with appreciation the efforts made by the Government of Angola and the international community in the provision of humanitarian assistance to the demobilized former UNITA forces, to their families and to all population affected by war as well as in the mobilization of resources for social integration.
16. Summit expressed its support to the ongoing efforts aimed at providing assistance to demobilized soldiers, orphans, internally displaced people and the population affected by the war, with a view to ensuring their social reintegration and rehabilitation.
17. Summit appealed to the international community at large and to the African community, in particular, to continue providing urgent humanitarian assistance to enable the Angolan people to address the humanitarian challenges facing the country. It further appealed to the international community to respond favourably to the planned donors' conference for the social reintegration, reconstruction and development of Angola to be held under the auspices of the United Nations.
18. His Excellency President Joseph Kabila briefed the Summit on the latest developments in the resolution of the conflict in the DRC which has so far claimed three million lives.
19. Summit commended the DRC Government, and in particular President Kabila for his flexibility and goodwill towards building peace and promoting national reconciliation. Summit pledged its continued support for the DRC in its efforts to re-build the country and a new society.
20. His Excellency President Robert Mugabe briefed the Summit on the situation in Zimbabwe particularly on the land reform programme.
21. Summit also noted that the region continues with efforts directed at deepening and accelerating reforms to constitutional, political and

electoral systems to ensure that they are participatory, transparent, accountable, inclusive and predictable.

22. Summit received a report from the Chairperson of the Organ on Politics, Defence and Security Cooperation, His Excellency President Joaquim Chissano of Mozambique, which gave an overall picture of the political, defence and security situation in the region. The report covered developments in Angola, DRC and Zimbabwe as well as combating terrorism, the status of ratification of the Protocol of Politics, Defence and Security Cooperation which has been ratified by six countries, the humanitarian crisis and disaster management.
23. Summit noted that at the continental level, through collective efforts, remarkable progress has been achieved towards strengthening African unity. To this end, a giant step has been taken with the launch of the African Union in July 2002 in Durban, South Africa. Summit also noted that the region is faced with a formidable challenge to ensure that the African Union works for the benefit of all the people of the continent.
24. With regard to the New Partnership for Africa's Development (NEPAD), Summit appointed His Excellency, President Jose Eduardo Dos Santos as the fourth member to represent SADC on the NEPAD Heads of State Implementation Committee. The other Heads of State in the Committee are His Excellency President Festus Mogae of Botswana, His Excellency President Joaquim Chissano of Mozambique and His Excellency President Thabo Mbeki of South Africa.
25. With regard to the economic situation, Summit expressed satisfaction at the sound macro-economic reforms being implemented by SADC Member States. Summit observed that on average, the region has achieved positive GDP growth rates since the mid 1990s. Notwithstanding this, Summit acknowledged that the region still faces major challenges such as poverty, HIV/AIDS and food security. In this respect, Summit mandated the Troika to guide and expedite the development of the Regional Indicative Strategic Plan (RISDP) which should be completed soon. Summit also directed the Ministers responsible for Economic Development

and Finance to meet urgently to work on a short-term plan to revitalise the regional economy with a view to ensuring sustained growth and development.

26. Summit further noted that during 2001, SADC Member States continued to implement policies aimed at reducing inflation to one digit levels. However, the current status reflects that there has been a reduction of the average inflation rate for SADC from approximately 11 per cent in 2000, to 10 per cent in 2001.
27. Summit noted the devastating effects of HIV/AIDS as well as Tuberculosis, Malaria and other infectious diseases on the population of the region. In particular, Summit expressed concern that the HIV/AIDS pandemic in the Southern African region continues to be a major developmental challenge. In this regard, Summit urged Member States to mobilise more resources to fight this pandemic and other communicable diseases.
28. Summit noted with great concern the food crisis gripping six Member States in the region and the attendant humanitarian situation caused by the acute food shortages. The six countries affected are Lesotho, Malawi, Mozambique, Swaziland, Zambia and Zimbabwe. Summit also noted that Angola and DRC were also forecasting food shortages.
29. Summit noted with appreciation that the World Food Programme (WFP) in collaboration with the affected Member States has been distributing relief food to 4.3 million people in the affected countries since April 2002. The number of people affected by the food crisis is estimated to rise to 14.4 million by March 2003, requiring an additional 1.05 million tonnes of cereals from September 2002.
30. Summit noted the Joint SADC/UN Appeal for assistance to avert the humanitarian Crisis, which was launched in New York on 18th July 2002 for an amount of US\$611 million. Of this total, US\$507 million is for food aid and US\$31 million is for agriculture, among others, for the six affected countries. By September 2002, about US\$183 million had been mobilized for food aid and US\$12 million for non-food requirements. Summit called upon the SADC Secretariat to intensify its resource mobilisation efforts.

31. Summit welcomed with gratitude an offer of 100,000 tonnes of maize by South Africa to be distributed through WFP and the milling at its own cost, of the 600,000 tonnes of GMO maize currently stored at South African port.
32. Summit also urged Member States assisted by the SADC Secretariat to continue taking concerted measures to address the medium and long-term challenges posed by the food crisis.
33. With regard to Genetically Modified Organisms (GMOs), Summit noted that Member States are in the process of enacting GMOs legislation. To-date South Africa, Namibia and Zimbabwe have enacted legislation on GMOs.
34. Summit also noted the establishment by the SADC Council of Ministers of an Advisory Committee on GMOs to develop guidelines to assist Member States guard against potential risks in Food Safety, Contamination of Genetic Resources, Ethical issues, Trade related issues and Consumer concerns.
35. Summit also noted that Member States are at liberty to take a position to accept or reject GMO grain coming as food aid. In the event that a Member State accepts this grain, it should undertake awareness campaigns to ensure that GMO maize is not planted and also ensure that all GMO maize is milled into flour before any distribution to beneficiaries. As a long-term measure, Member States should develop capacity to deal with GMO issues particularly for testing and monitoring.
36. On the issue of gender equality, Summit received a report on the progress made by SADC Member States towards reaching the target of 30% of women in politics and decision-making structures by the year 2005, which was set out in the 1997 SADC Declaration on Gender and Development.
37. Summit observed that overall women remain largely under represented in decision-making positions. Most reports recommend that more work should be done in order to achieve the minimum target. Summit urged Member States to continue to seize the opportunity presented by elections and cabinet reshuffles to nominate more women in decision-making positions.

38. On community building, Summit noted that twenty-one protocols have been successfully negotiated and concluded and of these, ten have entered into force. Summit also urged member States to ratify or accede to all Protocols as speedily as possible. Summit also signed four legal instruments, namely: the Protocol on Extradition, Protocol on Mutual Legal Assistance in Criminal Matters, Protocol on Forestry and the Agreement Amending the Protocol on the Tribunal.
39. Summit received a progress Report from the Council of Ministers on the implementation of the Review of the Operations of SADC institutions. These include the major tasks which have been completed, the tasks under implementation and the challenges being encountered in the restructuring process. Among the tasks completed are:
 - The establishment of three Directorates, namely: Trade, Industry, Finance and Investment, Food, Agriculture, Natural Resources and Directorate on Social and Human Development and Special Programmes;
 - Mobilisation of resources in the form of human resources from Member States through secondment of officers to the Directorates and funds from International Cooperating Partners (ICPs) for financing key activities related to the restructuring exercise;
 - The adoption of a formula for Member States contribution;
 - The establishment of SADC National Committees in most Member States;
 - The completion of the Study on the Auditing of Assets, Programmes and projects of SCUs and SADC Institutions;
 - The production of the Consolidated version of the Treaty and the consequential amendments of Protocols;

- Commencement of work on the RISDP, including the recruitment of experts and the production of the Interim Report on the RISDP;
40. Summit directed that work on the RISDP should be expedited.
 41. Summit accepted the offer by His Excellency President Mkapa of the United Republic of Tanzania to host the next Summit of SADC Heads of State and Government in 2003 in Tanzania.
 42. Summit thanked His Excellency President Bakili Muluzi for his able leadership and the accomplishments of SADC during his tenure of office.
 43. Summit thanked representatives of other regional and continental organisations for attending the 2002 Summit.
 44. Summit expressed its appreciation to the Government and people of Angola for hosting the Summit and for the warm hospitality extended to all delegates. Summit also thanked all SADC institutions, which contributed to the successful organisation of the Summit.
 45. Summit expressed its gratitude to the international community for the support extended to SADC.
 46. His Excellency President Jose Eduardo Dos Santos of Angola officially closed the Summit, and outlined his vision as Chairperson of SADC for the next year.
 47. His Excellency President Benjamin Mkapa of the United Republic of Tanzania passed a vote of thanks in which he invited his colleagues to attend the next ordinary Summit in Tanzania in 2003.
 48. Finally, the Summit received with appreciation the report of the Third Meeting of the First Ladies on Poverty presented by Her Excellency Madame Patricia Shamil Muluzi, First Lady of the Republic of Malawi.

Luanda, Angola
October 3, 2002



Security Council

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Letter dated 21 October 2002 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council

In my capacity as Chairman of the African Group for the month of October 2002, I have the honour to request an authorization for Ambassador Amadou Kébé, Permanent Observer of the African Union to the United Nations, to intervene in the debate on "Strengthening cooperation between the United Nations system and the Central African Region in the maintenance of peace and security" in the public meeting of the Security Council to be held on 22 October 2002, in accordance with rule 39 of the provisional rules of procedure of the Security Council.

(Signed) Ahmed Aboul Gheit
Ambassador
Chairman of the African Group

